Juſtice Revived.

UMI

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JUSTICE REVIVED:

Being the whole

OFFICE OF A COUNTREY Justice Of the PEACE:

Briefly, and yet more methodically and fully than ever yet extant.

By E. W. of *Grayes-Inne*, Esq;

Vivere nemo
Nunc sine Lite solet, nec sine Lege potest.

LONDON,
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TO THE
READER.

TO publiſh this Treatiſe after ſo many of the ſame nature, may ſeem very impertinent and unneceſſary to any that conſiders only the Titles of Books: Nor ſhould we have attempted it, were not the eminency of the *Author*, and perfection of

the *Work*, a ſufficient protection againſt all Imputations. For though the ſubject be the ſame which hath been handled by others; yet the method and exact form of working it, hath been omitted. Whether the defects of all others are ſupplyed in and by this, is left to thy Judgement and Determination.

Farewel.

Lincolnes-Inne,
May 6, 1661.

Of

Of the Peaces Conſervation, and the Common Law of England.

THE Common Laws of *England* received their grounds from the Laws of God and Nature; the Law of Nature, as it pertaineth to man, is the Law of Reaſon; ſo ancient, that this Kingdom was ruled by it divers hundred of years before the Conqueror: Such equity and excellency is in it, that no humane Law in the world is ſo uſeful for the happy, peaceable, and honourable Government of it; and ſo commodious for all Degrees and Cauſes, whether touching Life, Lands, or Goods; theſe Laws originally have concerned a principal care of the peace of this Land.

The Kings Majeſty (by his Prerogative Royal) is the prime Conſervator of the Peace in his Dominion, whoſe ſtyle is, *Capitalis Angliæ Juſticiarius*, in whom at the beginning all Juriſdiction and adminiſtration of Juſtice in all Cauſes was, he being the Fountain from whom the ſmaller ſtreams had their derivation.

The power by him transferred to other men, yet is conſiſtent in himſelf: For he may ſit perſonally in any of his Courts of Judicature, as formerly other Kings have done, taking cognizance of all Cauſes that are tranſacted there (unleſs his own) as he is the principal Conſervator of the Peace: (if he pleaſe) he may award Proceſs againſt any to keep the Peace: recognizance he cannot take for the peace, becauſe it concerns himſelf.

The Lord Chancellor (or Lord Keeper of the Great

Seal) Lord High Steward of *England*, Lord Marshall, High Constable of *England* Lord Treasurer of *England*, the Justices of the Kings Bench and Master of the Rolls, have in their Patents the conservation of the Peace over *England*: All these may award Precepts and take Recognizances for the Peace, *Virtute Officii*, and may upon prayer to them of the surety of the Peace grant Warrants to Sheriffs, Constables, *&c.* or to any, or either of the Kings Officers, to bring the party before them, and take recognizance of him for the Peace, and refusing, commit him to Prison.

But it is said, the Master of the Rolls his Authority is not incident to his place but by prescription, to make processe. At this day, the Authority for keeping of the peace is by virtue of the Kings Commission.

The Judges of the Common Pleas, Barons of the Exchequer and Justices of Assize, within the Jurisdiction of their severall Courts, have the custody of the peace, any (before any of these) in their Courts may crave the peace, or within view, may send the Warden of the *Fleet*, or other Officer attending the Court, to bring the party before them and take surety, and refusing may commit him.

The Steward of Pypowders, or of a Leet, in their Courts may commit him to Ward that makes an Affray in their presence, in the execution of their Offices, these being Courts of Record, but none of them can make Warrants.

They may take the examination of a Felon (sit in the Court) and commit to Gaole, and present the Felony at Common Law within their precinct, or any offence against the peace, except the death of a man *Vide Bro.* Court, Leet, 1, 2, 14, 18, 22, 26.

By the Common Law, Coroners have the custody of the peace within the County where they be Coroners, *Cromp.* 6.

In their several Hundreds by the Common Law, High Constables have the custody of the peace, *Cromp.* 6. & 222. 12. *H.* 7. *fol.* 18.

Other

Other Counties have the ſame Authority as our Conſtable, though by other names, as in *Warwick-ſhire*, the third Burrow in *Kent*, Borſholders, in others, Head-burrough, Burrough-head, Tything men, or chief pledges: yet the Conſtables Office is diſtinct, and of more ancient and greater Authority then theſe: for, as *Lambert* ſayes, of more Antiquity then Juſtice of Peace.

Now at this day the Conſtable may commit to the Stocks any that ſhall threaten to kill, beat or hurt another, or to other ſafe cuſtody for the preſent, and after have them before the Juſtice of Peace, to finde ſurety, or refuſing, to the Gaole, 3 *H.* 4.9,10.

The Power of a Sheriff, Coroner, Steward of Leets and Pypowders, and Juſtices of Superior Courts were long before the Conqueſt. *Coke 9 Part, the Preface.*

You may read in Mr. *Lambert* of divers that were named *Cuſtodes Pacis, fol.* 16, 17. ſome called by the Kings Writ ſome for lives, ſome during the Kings pleaſure, all now obſolete.

The conſtituting of Juſtices of Peace.

KIng *Edward* 1. in his 1 Par. *Ann.* 3. *ca.* 1. hath eſtabliſhed the peace of the Church and Land; the which peace is preſerved and defended by the King, Archbiſhops, Biſhops and Judges of the Realm; but now more eſpecially by the Juſtices of *Oyer* and *Terminer* at this day: heretofore there were Juſtices Itinerants, to determine all cauſes reall and perſonal, and offences againſt the peace. *Vide Fitzh. Tit. Coron, Iter. North.*

The Annals ſpeak of *William* the Conquerours making of Juſtices of peace in *Anno* 1070. *quarto Regni*, but they had not their being till neer 300. years after, *Anno* 1327. Then by the State. 1 *Ed.* 3. *ca.* 16. Commiſſioners of the peace were firſt conſtituted, and 'tis there ordained by the Kings Commiſſion, that in every Shire there

ſhould

ſhould the Juſtices of the peace: Then their power was augmented by the Statutes of 4. *E.* 3. *ca.* 2.18. *Ed.* 3. *ca.* 2. 34. *E.* 3. *ca.* 1. By the laſt Statute they had power to hear and determine all Treſpaſſes and Felonies in the Kings Name, in every Shire where they were Commiſſioners.

The firſt Statute that calls them Juſtices of Peace, is 36. *Ed.* 3. *ca.* 12. The reaſon that they are called Juſtices of Peace, is that they are Judges of Record, and Commiſſioners of Peace, their power being by the Kings Commiſſion.

Of the word Peace, and how taken in our Law.

PEace is that quiet confidence and amity which is or ſhould be between men; they that infringe this, break the peace, *Fitzh. Juſt. of P.* 12.

Peace in the Common Law is a reſtraint from violence and injurious dealing: and may be called rather an uniting of mindes then the reſtriction of hands; for ſo chiefly were Juſtices of Peace deſigned.

The breach of the Peace is force or violence againſt anothers perſon in his poſſeſſion, Lands, or Goods, by menacing words or furious deportment.

Juſtices of Peace are by Commiſſion under the Great Seal, and are appointed by the Lord Chancellour or Lord Keeper *pro tempore*, 18 *H.* 6. ca. 11. Except the Juſtices of the County Palatine of *Lancaſter*, which are by Commiſſion under the ſeal of the ſame Dutchy. *Vid.* Statut. 27. *H*, 8. ca. 24.

Theſe Commiſſions may be determined divers wayes. By the Kings death *Dyer* 165. By the Kings pleaſure he may diſcharge them by Writ under the Great Seal, or *Superſedeas*; but this doth but ſuſpend their Authority, which

which a *Procedendo* doth revive, 5 *Ed.* 4. 32. *Br. Commiſſ.* 23. by leaving out their names and putting in others, *Br. Commiſſ.* 26, 24. 10 *E.* 4. 7. but then they muſt have notice. *Vide.* 34. *Aſſ.* 8. *Br. Commiſſ.* 14.

If a Juſtice of Peace be made Sheriff in the ſame County, his Office of Juſtice of Peace is ſuſpended during his Sheriffwick and no longer, 1 *Ed.* 6, 7. 1 *Mariæ* 8.

The reaſon is; becauſe the Juſtice of Peace is a Judge, and the Sheriff but a Miniſter, it would be inconvenient that one ſhould be both Judge and Miniſter: for then it would follow, the Sheriff ſhould command himſelf, or as an Officer ſerve his own precept.

By the death of the King, the power of all Juſtices of Peace, Judges, Commiſſioners of *Oyer* and *Terminer*, Gaol-delivery, Sheriffs, Eſcheators and other Comiſſioned Officers ceaſe; yet Maiors and head-Officers in Cities and Corporate Towns, which be Juſtices of Peace, or have the conſervation of the Peace under the Kings Letters Patents to them and their ſucceſſors, have their authority continuing ſtill, although the King dies. *Vide. Br. Com.* 29, 21. *Dyer* 165. *Coke* 7. 30. *Br. Com.* 5. So do Conſtables, their authority is by Common Law, and the Peaces conſervation is incident to their Office.

And ſo Coroners as conſervatoros of the Peace within their Counties, the King dying their power ceaſes not, for they are by the Kings Writs, their Office remains till they are removed by Writ again, 4 *E.* 4. 44. *Br. Office.* 25. *Dyer*, 165.

The Oath of a Juſtice of Peace. *Vide* 1 *Eliz.* 1. 13 *R.* 2. *ca.* 7. *Ann.* 28. *Ed.* 3. *ca.* 2.

The Oath of Supremacy and Allegiance, 1 *Eliz. P. Crown*, 4. It ought to be taken in the open General Seſſions, 5 *Eliz. cap.* 1. *Crompton* 12. *Pleas Crown*, 5.

And theſe Oaths ought to be taken together by *Ded. Pot.* out of the Chancery, to ſome ancient Juſtice of Peace, *Vide* 1 *Eliz. cap.* 2,

And

And if he perform not his Office, he is puniſhable in *Star Chamber. Vide Coke* 11 *part*, 98. *A.* That a man ſhall not be chargeable in any Court Judiciall for breach of a general Oath.

The Oath of Allegiance, *Vide* 3 *Jac. cap.* 4. 7 *Jac. cap.* 6. and is uſually taken before the Judges of the ſame County whereof they are to be ſworn Juſtices.

The Commiſſion of the peace, *Vide Dalton cap.* 5. and the explanation thereof.

In ſome caſes one Juſtice of Peace may order buſineſſes out of Seſſions.

AS, Treſpaſſers in Corn, Woods, Orchards, Hedges, where they are of inability to give ſatiſfaction ſhall be whipped.

One Juſtice may appoint Keepers, watchmen, and Searchers for perſons infected with the Plague.

One Juſtice may appoint perſons fitting to work in Harveſt or Hay-time, and may order the abuſe in the deceitfull making of Malt, and that it be ſold at reaſonable prices.

One Juſtice may in his diſcretion binde any perſon fitting for an Apprentice.

What matters out of Seſſions are referred to two Juſtices.

ALl Weights and Meaſures, two Juſtices may view, and the defective weights break or burn them.

The Pariſhes in a Hundred, two Juſtices may aſſeſs for a Robber proportionably towards a contribution.

Concerning Rogues, two Juſtices may diſpoſe of all Forfeitures growing upon any ſtatute concerning the ſame.

For

For the relief of places infected, two Juſtices may taxe others of the County.

If any Town be overcharged, two Juſtices may taxe any part of the Hundred for relief of the poor.

If a Maſter ſhall be aſſaulted by his Servant, two Juſtices may impriſon him for a year.

It is to be obſerved, that where the trial of Offenders is referred to the Juſtices diſcretion it impowers them to examine the Witneſſes upon Oath.

And further, it is to be noted, that the Juſtices now have far more power than anciently the Conſervators of the peace had; for now they may convene the Offenders before them by Warrant out of Seſſions, and they have a compulſive power to the obſervation of their Orders, but it muſt be according to Law; but the Conſervators had no authority or juriſdiction but in ſome caſes to bring them before them or to examine them.

If a pariſh ſhall lie in two or more Counties, or lye within a Corporation, the Juſtices of the County can meddle but with that part which is within their juriſdiction, and not with the other within the Town Corporate: For it is againſt Law and Reaſon for one to invade on the others Juriſdiction.

A Juſtice of Peace cannot grant any Warrant, or take any Examination out of the County where he is commiſſioned, nor uſe any authority; for being out of the County, he is out of office *Plowden* 37. & 13 *Edw.* 4. 8. But he may take an Oath of a party that is robbed, according to the Statute for life, 8. *C.* out of his County: Yea a Sheriff may out of the County where is Sheriff make any Warrant. 9 *Hen.* 4.1.

Where one Juſtice of Peace may do any act alone, in execution of any Statute, two or more may do the like; but è *contra*, where two are commanded one cannot. *Vide Coke* 594.

Abjuration.

Abjuration.

A Juſtice of Peace cannot arraign any upon abjuration for Felony.

Seditious Sectaries that abjure, the abjuration being made in Quarter-Seſſions, ſhall be certified at the next Aſſizes. 35. *El. ca.* 1.

Seditious Sectaries abjuring in open Quarter-Seſſions, ought to be entred in the Seſſions Roll, by the Clerk of the Peace. 35 *El. ca.* 1. 21 *Jac.* 28.

Acceſſary before the Fact.

A Better, procurer, or conſenter to a Felony. *Vide Stamf* 442.

If death proceeds of beating or robbing, he that commandes ſuch an evil act is acceſſary to the Felony.

He that commandes one Felony whereby another enſueth, is acceſſary to the ſecond.

It is Felony in the commander, though committed in another manner as to time and place.

If an Act do ordain that to be Treaſon or Felony which was not at Common Law, and ſpeaks not that the conſorters, conſenters, aiders and abetters ſhall be Felons, yet it is fellony in them that do it.

Who no Acceſſary.

THe knower of a Felony, without conſenting, yet concealing, it is fineable.

If one command a fact to be done, and countermands before it be acted.

One, counſelled to poyſon *A*, gives it to *A*. and *B*: The counſelled is not acceſſary to the murder of *B*.

If he that is commanded, commits more then was com-

commanded, the commander is not acceſſary.

If he commit Felony on another perſon the commander is not acceſſary.

He that is neither party nor privy, yet is preſent at a Felony, and doth not diſturb it nor purſue the Felon, is fineable.

Acceſſary after the Fact.

A Receiver of ſtollen Goods, knowing them to be ſtollen, is acceſſary to the Felony, but he muſt receive the Felon alſo.

He that receives a Felon knowing him to be one, and ſuffers him to eſcape, whether before or after Attainder, is an acceſſary.

He that receives or comforts a Felon, with an evil intent, is an acceſſary.

He that arreſts a Felon upon a *Huy and Cry*, and taketh the goods, and lets him go, is acceſſary.

He that ſhall purſue his own goods, and takes money of him not to give evidence againſt him whereby he is freed, is acceſſary.

He that knowes of the receiver or comforter of an acceſſary.

He is a Felon that receiveth his own Brother and knowes him to be a Felon.

A receiver of an approver or one attainted or outlawed of Felony, knowing thereof, is an acceſſary.

If one harbour one attainted in the ſame County, he is an acceſſary.

But *Lamb.* 293. holdeth it reaſonable, that he firſt have knowledge of ſuch a Record.

Who is none.

THe Wife receiving the Husband, knowing him to be a Felon, ſhe is not acceſſary nor fineable.

One that purſues a Felon for his own Goods, taketh them again, and lets him goe.

He that relieves one bailed for Felony.

A receiver of the ſtriker of the ſtroke, after the ſtroke and before the death.

One may be an acceſſary to an acceſſary, if he comfort or felonioufly receive an acceſſary.

A ſuiter by writing or w[illegible] for a Felons deliverance, knowing thereof.

Who is a principal.

THey that are his companions, and preſent at the fact though not actors.

They that ſhall receive, procure or abett the taking away of any woman knowing her to be taken away contrary to the Statute, 3 *H.* 7. *ca.* 2.

He that is acceſſary in one County to a Felony done in another County, may be indicted where he becometh acceſſary. 2 & 3 *Edw.* 6. *ca.* 24.

If the indictment ſay that he received the Goods, it is no good Indictment, without he ſay he received the Felon.

Of a Fray and Affrayers,
Vide *Aſſaults* infra.

WIthout word or blow an Affray cannot be made as to have or wear Armour or Weapons not uſually born.

Unleſs there be ſome attempt, as with a weapon or ſtroke given or offered to be given.

The

The Conſtable may come to the houſe where an Affray is, and if the doors are ſhut he may break into the houſe to keep the Peace.

Untill there be weapon drawn or blow given, a Conſtable cannot lay hands on any.

A Conſtable may purſue the Affrayers flying into another houſe in a Franchiſe, or other County; but he cannot meddle in another County but as a private man.

The Conſtable may command the Affrayer to avoyd upon pain of impriſonment. If the Affray be great, he may make Proclamation, and command the parties to Priſon, but he muſt deliver them without fine.

Of Ale-houſes and Ale-houſe-keepers.

AN Ale-houſe-keeper muſt be licenſed by two Juſtices, whereof one muſt be of the *Quorum*; and for the keeping of one orderly houſe he muſt enter into ſufficient ſecurity, 5 *Edw. 6. ca.* 25. If he hath forfeited his Licenſe by ill government, he ſhall not be licenſed again but in open Seſſions.

If any ſhall preſume to keep an Alehouſe unlicenſed, his puniſhment is to be committed to Gaol without Bayl, and after to give ſecurity not to offend ſo again, 5 *Edw. 6. ca.* 25. You may ſee the Condition for a Recognizance in *Lamb.* 354. the Fee one ſhilling.

It ſhall be a ſufficient Conviction againſt the Offender, the information of the Offence, and the Recognizance taken by two Juſtices, one of the *Quorum*; Of an Ale-houſe that is kept againſt the Statute, 5 *Edw. 6. ca.* 25. to levy the penalty of 20 *s.* without any further triall or proceſſe.

Where any hath informed the Juſtices that one hath forfeited his Recognizance, there the Juſtices may award proceſſe for the Deliquent to come in to ſhew cauſe to the contrary. *Vide* what proceſſe in *Lamb.* 524, 529. And

this must be done at the Quarter Sessions 5 *Edw. 6. ca.* 25. and those fines that are by the said Statute cannot be altered by the Justices.

Those Justices that certifie not the Recognizances by them taken at the next Sessions forfeit five Marks.

That Brewer that shall sell either Ale or Beer to any unlicensed Ale-house-keeper, forfeits for every Barrel 6 *s.* 8. *d.* more then for his own households provision; and the penalty is to be levyed and disposed of according to the Statute 4 *Jac.* 4.

If an Ale-house-keeper shall permit any to tipple contrary to 1 *Jac.* 9. or 4 *Jac.* 5. 21 *Jac.* 7. the Ale-house-keeper loses 10 *s.* the Tipler 3 *s.* 4. *d.*: for inability the Ale-house-keeper goes to the Gaole till payment; if distrained, the distresse sold within six dayes, *Vide* 1 *Jac.* 9. The Tipler is to sit in the Stocks four hours, 4 *Jac.* 5. 1 *Car.* 4. The Justices may administer an Oath to witnesses, and one proves it sufficiently, 21. *Jac.* 7. 1 *Jac.* 1 *Car.* 4.

How Inn-keepers and Ale-house-keepers are compelled to lodge Travellers, you may read in *Anno Dom.* 1622. in Sir *James Leys* speech, that he that shall deny to lodg any Traveller, may be indicted, fined, or imprisoned; or the party grieved may bring the action of the case. *Vide* 4 *Hen.* 7. 22. Yet the Ale-house-keeper or Inn-keeper is not compelled to sell them Victuals or find Lodging till first payment. *Coke* 9. *part* 87, 5 *Edw.* 4, 3. 10 *Hen.* 7, 8.

The Constables or Church-wardens refusing to levy the penalties or Fines assessed as aforesaid, within twenty dayes after such fine imprisoned, shall forfeit to the use of the poor 40. *s.* by Warrant to be made by any one Justice to be levyed by distresse, and within six dayes after such distresse sold, the over-plus is to be restored: and for want of distresse to be sent to the common Gaole untill payment of the forfeiture.

That Constable, or any other inferiour Officer that shall slight or neglect to serve any Justices Warrants for

for the penalties of Drunkenneſſe, forfeits 10 s. to the uſe of the poor. *Vide* the levying of it in 4 *Jac.* 5.

Any two Juſtices, whereof one of the *Quorum*, may licenſe a common Ale-houſe, taking bond for good rule and government in their houſes, and their uſing no unlawfull gaming in their houſe.

If ſhe that is married ſhall keep an Ale-houſe contrary to the will of her Husband, unlicenſed, the Wife by the diſcretion of the Juſtices may be impriſoned untill ſhe finde ſurety for her good behaviour, and not offend again.

The Statute does not prohibit the ſale of Beer or Ale in any Fair, though the party be not licenſed. *Vide* 3 *Car.* 3.

The Juſtices, or any two of them may licenſe Labourers upon occaſion to be in Innes and Ale-houſes, taking their diet and lodging, and following their Vocations.

The Inn-keeper, is puniſhable in the like condition as an Ale-houſe-keeper: for they are appointed for travelling and wayfaring men, *Coke* 8. *part.* 32.

Thoſe Innes that have been erected ſince the Statute 5 *Edw.* 6. *ca.* 25. and not Innes before, muſt have Licenſes, and be bound as Ale-houſe-keepers.

Any man might anciently keep an Inne, for they were but Hoſteries by the Common Law, ſo he were of good fame and reputation, dwelling in fitting places; yet not worthy to be licenſed under the great Seal.

He that ſhall make a voluntary confeſſion before a Juſtice againſt the Statute 1 *Jac.* 9. 4 *Jac.* 5. is a ſufficient convict on, and then his Oath ſhall be taken for to convince any other at the ſame time. 21 *Jac. ca.* 7.

Ale-houſe-keepers that are diſabled and unlicenſed ſhall not keep an Ale-houſe within three years after: if they be licenſed by any Juſtices, yet *ipſo facto* it is void.

There be divers cauſes that diſables an Ale-houſe-keeper, and unlicenſes him.

He muſt ſell a quart of his beſt Ale or Beer for a Peny, or elſe he forfeits his Licenſe, if he ſuffer any to be tip-

ling contrary to the Statutes, if he be a man drunken and of a diſorderly life and converſation, if he be convicted in any of theſe particulars, either at Seſſions, Aſſizes, Leet, or any other Court, before any Juſtice upon oath, he is diſabled to keep a common Tipling-houſe till three years after.

If within the view of any Juſtice confeſſion or oath, any be convicted, his forfeiture to the poor is 20 s. to be levyed by diſtreſſe, which is within three dayes to be ſold by a Warrant from a Juſtice; if no diſtreſſe, and not paid within ſix dayes, the party is to be whipped as the Juſtice pleaſe to limit and appoint. *Vide le Statute* 3 *Car. ca.* 3.

None are enabled to keep an Ale-houſe if they are retainer to any man or Bailiffe of a Hundred or Liberty, or a Conſtable, or not of good fame or repute, converſation or government. *Vide. Fitzh. Nat. br.* 172.

No perſon uſing any Trade that takes away the means, and ſo the life of another; yet by common Law there is no reſtriction, but it is now prohibited by many Statutes.

Of Amerciaments.

HE that hath a Beaſt and knoweth it to be hurtfull, it is Felony in him that keeps it, and he ſhall be arraigned for the death of any that it kills, and he ſhall be amerced to the King.

Two Juſtices one of the *Quorum*, by the command of the *Cuſtos Rotulorum*, or in his abſence by the eldeſt of the *Quorum*, ſhall puniſh Sheriffs for collecting more upon their Eſtreats then is due. *Vide le Statute.* 11 *Hen. ca.* 15.

That Sheriff that ſhall eſtreat any thing but by Indenture between two Juſtices appointed for the peruſal of Sheriffs Books being under the Sheriffs Seals, forfeits 40 *s. per idem Statutum.*

If the ſummons for the Quarter-ſeſsions is in one place,

and

and it be kept in another; or any amerciaments are for default of appearance, and the Seſsions not ſummoned by precept, there ſhall then be no amerciament, or if the Seſsions were ſummoned at twelve places the appearance may be at one.

A Juſtice of Aſsiſe may amerce a Juſtice of Peace being abſent from the Gaol-delivery, but at the Quarter Seſsions one Juſtice of Peace cannot amerce his fellow Juſtice.

For the default of appearance at Seſsions, the Clerk of the Peace, Coroners, Sheriffs, Bailiffs of Franchiſes and Conſtables may be amerced, and Jurors may be amerced for concealing, 3 *Hen. 7. cap.* 1.

Appearance.

A Recognizance will diſcharge for ever the appearance of the next Quarter Seſsions taken for the Peace againſt all the Kings people to appear at the next Seſsions by *Superſedeas* out of the Chancery teſtifying Surety found there againſt all the Kings people; but if it be untill a certain day, not.

Appeal.

NO Appeal can be taken by any Juſtice of Peace for Felony, yet it is made a Queſtion.

Apprentices.

WHere a complaint of an Appentice is, one Juſtice may take order between his Maſter and him; and if he finde a default in his Maſter, he may binde him to the Quarter Seſsions to anſwer it; but the Apprentice ſhall not be diſcharged without the order of four Juſtices: and if the fault appear in the apprentice, one Juſtice may ſend

him to the house of Correction, and where one is fitting to be bound and refuseth, he shall be committed till he will be bound, 5 *Eliz.* 4.

Those that have sons or daughters not being able to maintain them, two Justices with the Church-wardens and Overseers may binde them Apprentices, the sons till 24 years of age, and the daughters till 21. 39. *Eliz. cap.* 3. 43 *Eliz. cap.* 2. 21 *Jac. cap.* 28.

Where money is given for the placing of Apprentices, the nomination and placing must be by the Corporations; in Towns not Corporate by the Parson, Vicar, Church-wardens and overseers *pro tempore*, and to be disposed of according to the will of the Donor, *&c.* And if any that hath the disposition doth refuse, he shall forfeit 3 l. 6 s. 8 d. one half to the poor of the Parish, and the other to the Informer, 7 *Jac.* 3.

There must be Bond taken with two Sureties of such Master or Mistris, as takes the Apprentices of the disposers of the Money for a repayment at the end of seven years or three moneths after: if the Apprentice die within seven years, then it must be repayed within one year after their Master or Mistris death, 7 *Jac. cap.* 3.

Those that have the disposition of the money in case the Master or Mistris die within seven years, are to put out the Apprentice to some of the same Trade to serve out the residue of his time; *ubi supra.* And the money given for placing Apprentices, it is to be imployed within three moneths after the receipt *ut supra*; and none above the age of fifteen years shall be placed by the disposers, and that they must be of the poorer sort; If no such, then they may chuse of the next Parish.

Any that have the disposition of moneys for the binding of Apprentices, must make their Accompt before the two next Justices in *Easter* week, or within a moneth after; and, within ten dayes after that the Accompt is made, must deliver all such Moneys as are in their hands to those that shall succeed them, 7 *Jac. ca.* 3.

He

He ſhall be accounted no Apprentice that is not by Indenture; and the word *Apprentice* muſt be expreſſely named.

Thoſe that be grieved by an Act of the Commiſſioner upon a Bill in Chancery ſhall be relieved againſt the breakers of truſt for the diſpoſing Moneys given for Apprentices, and are to be examined, and to be redreſſed by Commiſſion out of the ſaid Chancery, returnable within three moneths, 7 *Jac. ca.* 3.

Where the Parents of an Apprentice may diſpend 40 *l.* Freehold, and he is bound to a Merchant, Draper, Mercer, Ironmonger, Clothier, Goldſmith or Embroaderer, there ſhall be a Certificate under the hand and ſeals of three Juſtices where the Land lyes, 5 *Eliz. ca.* 4.

No Apprentice ſhall be diſcharged without order of four Juſtices in open Seſſions, and that diſcharge ſhall be inrolled by the Clerk of the Peace, 5 *Eliz. ca.* 4.

The Maſter ſhall cloathe the Apprentice though the Apprentice doth depart from him.

Any that hath half a Plough-Land in tillage, may take an Apprentice from 10 years to 18 to ſerve him in Husbandry, but it muſt be by Indenture. 5 *Eliz. ca.* 4.

Of Approvers.

IT is Felony in the Gaoler of any Priſon that ſhall compell any of the priſoners to become an Approver or Impeacher, neither can any Juſtice of Peace take any Appeal of an Approver, 14 *Edw.* 3. *ca.* 10. *Stamford* 144. A.

And if that any Felon accuſeth another, a Juſtice may take his confeſſion, and reprieve him, and then proceed againſt the other.

Of Archery.

THe Statute of the 33 *Hen.* 8 *ca.* 9. may be enquired of, heard and determined by the Juſtice of Aſſize, Gaole-delivery, and of the Peace, and Stewards of Leets; and they may by their diſcretion examine all perſons not having a Bow, Arrows and Shafts, according to this Statute being under 60 years, or not a Bow and Arrowes in his houſe, or have not uſed Shooting, and every man-childe not a Bow and two Shafts between 7 and 17 years of age loſeth every Moneth 6 *s* 8 *d.* *Vide* the Statute of 33 *Hen.* 8. *ca.* 9.

Of Armour.

ANy that ſhall ride or go armed offenſively before the Kings Juſtices or any of the Kings officers or Miniſters, doing their Office, or in any publick manner, as in Fairs, or elſewhere (by night or day) in diſturbance or Affray of the Kings people, the Sheriff or any other of the Kings Officers, and every Juſtice of Peace upon his own view, or upon complaint may cauſe them to be ſtayed or arreſted and may binde ſuch to the Peace or good behaviour, or for want of Sureties may commit them to the Gaol, and the Juſtices and Conſtables may ſeize their Armour and weapons, and cauſe them to be priſed and anſwered to the King as forfeited, 2 *Edw.* 3. *cap.* 3. 7 *R.* 2. 13. 20 *R.* 1 *cap.* 1. *Lance. Office of Conſta.* 18.

Any that ſhall carry charged Piſtols, Daggs, or Guns, or arrayed with privy Coats, the Juſtices may take away ſuch weapons, and make them finde Sureties for the Peace; yet the Sheriffs and their Officers, and other Miniſters in the executing the Kings Proceſs, the Kings ſervants in his preſence, all others in purſuing a Hue and Cry againſt any Felon, or any other offence againſt the Peace, may

wear

wear Armour or weapons. 1 *Edw.* 3. 40. *Coke.* 573.

The Justices of Peace may command all weapons to be taken from Prisoners that come before them.

Of Arrest.

AN Arrest is a certain restraint of a mans person, depriving it of its own will and liberty, and binding it to become obedient to the will of the Law.

All Lay persons under the degree of a Baron or Peer of the Realm, are subject to an arrest.

Ecclesiastical persons not attendant upon Divine Service, may be arrested for the peace.

A Constable, or Justice of Peace, coming to arrest an Affrayer, if he flie into another house they may in fresh suit break open the dore, and take him: so if he flie into another County.

Assaults and Affrayes.

IF a man that hath a mortal wound, or very dangerously hurt, yet the Justice may bail the offender; but the safer way is to commit him till hopes of recovery.

An assault made upon a Justice of Peace, or Constable, they may defend themselves, the Justice may have them committed, the Constable may commit them to the stocks, and after have them before a Justice.

Any affray made in a Town Corporate having Justices within it self (during the Sessions there held) the County Justices shall not meddle there, but at the Assises it is otherwise; for the Judges may.

If any man make an affray the Constable ought to arrest him and carry him to the Gaol, or before the next Justice to find Sureties to appear at the next Gaol-delivery: if he resist, the Constables may justifie the bearing him, if he will not obey the Arrest, 38 *Ed.* 3. 8. 11. *Bro. Faux Impri.*

But

But after the affray, the Constable cannot arrest without Warrant; except some persons there, be in peril of death by some hurt there received, 31. *Hen.* 8. *Bro. Faux. Impr.* 6.

If the Affray were in the presence of a Justice of Peace, after the Affray he may commit the offenders till they finde Sureties; if it were not in his presence, upon complaint or in his own discretion, he may make his warrant till they finde Sureties for the Peace, 9 *Ed.* 3. 4. 3. *Cro.* 195. 196.

Every one that in the presence of a Justice of Peace shall strike another, or but threaten to hurt another, the Justice may (in his discretion *ex Officio*) binde him to the Peace.

Whosoever shall mortally hurt any other, the Justice may commit him to the Gaole within the year and day after the hurt received, there to remain till the year and day be expired, or else to finde Sureties to appear if the party happen to die within the year after the hurt, *vide Stat.* 3 *Hen.* 7. *cap.* 1. and *Exodus cap.* 21. 18, 19. If he do recover, the offender shall pay for the hurt, losse of time, and healing, *ibidem.*

Attainder.

ONe attainted of Felony may be arraigned for Treason committed before or after the Attainder.

One attainted upon an appeal of robbery may be arraigned upon an appeal of robbery at anothers suit.

One attainted of Felony by standing mute may after be arraigned of another Felony.

One attainted of Felony, cannot after be arraigned for another felony so long as the first is unpardoned unlesse it be in the cases before.

After the attainder, the Felons Grant of Goods or Lands, bindeth all persons, except the Landlord to whom they escheat.

Indictment

Indictment, is when an offence is found by the great Inqueſt, or other Jury of Inquiry.

Conviction is when the offender is found guilty by a ſecond Jury, having put himſelf to trial.

Attiander is when after ſuch conviction judgement is againſt the offender.

Averrment.

NO man ſhall be received to averre or ſpeak againſt a Record.

Of Barretors.

A Common mover, or ſtirrer up of Diſcord between the Kings people, or maintainer of Suits in Law, or elſe any quarrels in the County, is a Barretor, 2 *Edw.* 4, 5. *Coke.8.part* 36. Such may be bound to the Peace or to the good behaviour, as the Juſtice thinks fit.

In Court all ſuch are Barretors, that in any Court of Record, inferiour Courts, as County Courts or Hundreds ſhall maintain or ſtir up others to commence unjuſt or feigned Suits or Information upon penal Laws, or maliciouſly purchaſe any *Supplicavit* of the Peace, to make any to yield to their compoſition: theſe are Barretors.

There are divers ſorts in the Countrey, ſuch as are common quarrellers or fighters in their own cauſe, or common movers or maintainers of Quarrels between others, or common detainers by ſubtilty or force of the goods, poſſeſſions, houſes, Lands or any thing elſe in queſtion or controverſie: likewiſe ſuch as are the inventors of falſe news, which cauſeth ſtrife to ariſe between neigbours, theſe alſo are Barretors, *Coke* 8. *part* 36.

If one be *communis ſeminator litium vel oppreſſor vicinorum*, either by wrangling or unjuſt Suits or deceits, he is a Barretor.

Of

Of Baſtardie.

A Child born before wedlock is a Baſtard, *Merton c.* 9. 20 *Hen.* 3.

He that is ſuſpected to have begotten a Baſtard child, the Juſtice may binde to the good behaviour, That he may be forth comming at the birth of the child, otherwiſe there will be no reputative father when the childe ſhall be born, according to the Statute of 18 *Eliz.* 3.

Two Juſtices of the Peace may take order for the puniſhment of the mother, or reputed father (one being of the *Quorum*) of the Baſtard childe, and for the relief of the pariſh where it is born, by payment of money weekly, 18 *Eliz.* 3. 21 *Jac. cap.* 2. and 3. *Caroli* 4.

If the Juſtices order be not obeyed by the Parties, they ſhall ſuffer impriſonment without Bail, except ſecurity be given to perform it, or appear at the next Seſſions.

The mother may be examined upon oath concerning who is the father, becauſe the chief triall and teſtimony depends upon the mother.

If a Baſtard childe be dead-born, its murder in the mother of the Baſtard to conceal the death of it, unleſſe ſhe can prove by one witneſſe it was ſtill-born, 21 *Jac.* 27.

All Juſtices of Peace within their ſeveral limits may do and execute all concerning the Statute of 18 *Eliz.* 3.

The Woman ſhall not be ſent to the Houſe of Correction till after delivery, nor are the Juſtices to meddle with the woman till the Childe is born, and ſhe ſtrong again: For about 31 *Eliz.* a Woman great with Childe, and ſuſpected for Incontinency, was in *London* whipped by the mandate of the Maſters of *Bridewell*, which occaſioned her travell and delivery of her Childe before her time; for which they were fined to the Queen in *Star chamber* in a great ſum, and to pay Money likewiſe to the Woman.

Note

Note, that the Childe that is born 11 dayes after the 40 weeks after the death of the Father, ſhall not be judged a lawfull Iſſue, *Co. lib.* 123. 2 *Eſdras* 4. 40, 41. And ſo likewiſe of an Infant, where the Woman ſhall charge the man to have Carnal knowledg after the forty weeks ſuch Infant ſhall not be judged or reputed to be the Iſſue of ſuch man.

The Juſtices may ſend lewd women that have Baſtards, that may be chargeable to the Pariſh, to the houſe of Correction, there to be puniſhed and ſet on work for a yeer; if ſhe offend again, then to be commited to the Houſe of Correction, not any more to offend, and finde Sureties for the good behaviour.

This Commitment to the Houſe of Correction muſt be by two Juſtices. *Vide* Statutes 18 *Eliz.* and 7 *Jac.*

Of Baylment.

THe Common Law tells us, the Sheriff and every Conſtable, being conſervators of the Peace, might have bayled one that was ſuſpected for Felony; but this power is taken from them by the Statute 1 *Rich.* 3 *cha.* 3.

The word Baylment is one put to mainprize or Sureties, or the delivering a man out of Priſon before he hath ſatiſfied the Law.

According to *Crompton* it is the delivering of one into the hands of his Sureties to be kept.

Upon prayer to the Juſtice of the Sureties doubting of the Priſoners eſcaping, the Juſtice may diſcharge the ſureties committing the party to priſon.

Or the Juſtice may require ſufficient Bayl.

If it be Felony, it is needfull to take two Subſidy-men.

Not to bayl a priſoner baylable, is fineable.

It is an eſcape in the Juſtice to bayl one not baylable.

Likewiſe a Juſtice of Peace that ſhall bayl one contrary to Law, or not certifying the bayl, and the Felons exami-

examination, is fineable by the Justices of Assize.

In what Cases not Bayleable.

WHere one is convicted of Felony, praying Clergy, and is reprieved.

One that hath abjured the Kingdom.

One taken upon processe of Rebellion out of *Chancery* or *Starre-Chamber*.

One guilty of the death of a man, if he be principal.

A Counterfeiter of the Seal.

A Traitor to the King himself.

One attainted or convicted of Felony.

He that falsifies the Kings Coin.

One that is accessary to two Felonies, if the principal be Attainted.

He that breaks Prison.

He that is a known Thief, and attainted.

A Thief taken in the manner.

One guilty of House-burning feloniously.

One appealed by an Approver.

An approver or appellor.

Offences that cannot be Bayled by a Justice of Peace.

ONe known to have killed a man.

Murder or Homicide.

Where a Justice of Peace can hear and determine, there he may bayl.

For killing and being taken in the act.

By the King or Privy Councel.

By the absolute, not ordinary, power of the Kings Justices.

Trespassing in the Forrest, *Westm.* 1. *ca.* 15.

If the accused confesse the Felony.

One imprisoned for Surety of the peace, 23 *Hen.* 6. *ca.* 6.

Wherein Bayl may be taken.

WHen accused of homicide not felony, a man is baylable.

Accessaries to felonies are baylable.

Except he plead *Not guilty*, or other plea, he is baylable.

If he be of good reputation and fame, untill the principal be convicted or attainted: but after the Attaint, he is not baylable.

One attached by Sessions, Process, or by Indictment of Trespasse, by one Justice, may be bayled to appear to answer the Indictment, and may have his *Supersedeas de Cap. Indict. & exigent.*

Baylments that require two Justices one of the *Quorum*, the Justices must be at the baylment, and must examine the Prisoners before the taking of bayl, and take information of them that bring them, and put in writing, all signed with their hands, and certifie the same at the next Assizes for the County, 1 & 2 *P. & M. ca.* 13.

One accused of homicide, not being Felon.

Any imprisoned upon Sessions, Process, upon penal Lawes, not forbidding bayl, are baylable out of Sessions by two Justices, one of the *Quorum*, *Lamb.* 348.

If one be acquitted of murder or man-slaughter, at the suit of the King he is baylable during the yeer, 3 *Hen.* 7. *ca.* 1.

One taken for light suspicion.

One indicted of petty Larceny, not formerly guilty of another.

He that is charged with receiving Thieves.

Where a Trespasse is committed and is not charged with the losse of life or member, *Westm.* 1. 15. or if not prohibited by some Statute.

The Justices have power to binde over all that can give

give evidence to the next Aſsizes, to give their evidence againſt the offender, at the time of tryal.

Upon the Offenders ſolemn conviction, ſome Statutes give power, not only to take bayl after Judgement, but likewiſe upon the Record of two Juſtices, or by proof or examination of witneſs, *Lamb.* 349. The manner of baylment, *Vide Lamb.* 352. The form of the Liberate, *ibid.*

Of Bayliffs.

THat Bailiff of a Hundred that in the Sheriffs Court doth not execute a Warrant, loſeth 40 *s.* *Vide le Statute* 11 *Hen.* 7. *ca.* 15.

It is falſe impriſonment for a Bayliff to arreſt one and after to procure a Warrant, *Coke lib.* 5. 59. B. *Hoſtens Caſe.*

The Bayliff was puniſhable in *faux Impriſonment*, if he did compell the party to go before any Juſtice but that he chooſeth; but now it is otherwiſe.

If a Bayliff arreſt one by Warrant for the Peace, and the Juſtice will not binde the party, no action lyeth againſt the Bayliff, becauſe it is in the proſecution of Juſtice.

The Oaths 1 of Supremacy, 1 *Eliz.* and the Oath touching their Offices, 27 *Eliz. ca.* 12. ſhall be given by two Juſtices of Peace, one being of the *Quorum*; and they ſhall give to Bayliffs of Franchſes their Oaths.

Of Bawdery.

THoſe that keep Bawdy houſes are to be bound to the good behaviour.

Bawdery ſoundeth ſomewhat againſt the Peace, and is not meerly a ſpiritual offence.

The Conſtable being informed that a man and woman are going to a ſuſpected place, being of ill fame, to commit incontinency, may take company to ſearch the houſe, and ſo finding them, may commit them to priſon or carry

carry them to a Justice to be bound to the good behaviour.

Of Pewter and Brasse.

NO Pewterer or Brasier shall sell or exchange Pewter or Brasse, but in open Market or Fayre, or in his house but upon the desire of the buyer upon pain of 10 *l.* for every offence, 19 *Hen.* 7. *ca.* 6. 4 *Hen.* 8. 7. This is inquirable in the Sessions.

All hollow Wares or Metals (than the Assize of Metal wrought in *London*) not setting their Seal, lose their Metal: At *Michaelmas* Sessions the searchers must be appointed by the Justices, 19 *Hen.* 7. *ca.* 6. 4 *Hen.* 8. *ca.* 6.

Of Good Behaviour and Breach of Peace: Vide *Good Abearing and Behaviour.*

THe party shall be put to his fine without Traverse, upon a Justice of Peaces Certificate into the Kings Bench.

The forfeiture of the recognizance for keeping the Peace is made by any breach of the Peace.

He that shall threaten one to his face to beat him to whom he was bound, the Peace is broken, or in his absence, if he wait to do it.

The Peace is broken by procuring any one to doe an unlawfull act, if it be done afterwards.

To commit Felony or Treason, Menacings, Assaults, Affrayes, violent handlings, entreatings, Battery and malicious strikings, Imprisonment without Warrant, or to ravish a woman, or the like, is a breach of the Peace.

If any violence shall be offered be a Commoner, Tenant or Farmer, in threats or blowes.

What is no breach of the Peace or Behaviour.

TO beat one with rods that is mad, with an intent to reclaim him.

A Schoolmaſter, Gaoler, or Maſter, with moderate correction may chaſtiſe thoſe under their command.

For the better execution of their Office, a Conſtable or Officer may ſtrike.

To repulſe violence offered to ones ſelf, childe, maſter, wife, or father and mother.

In the Kings preſence, or by his command to hurt or kill one at Fence, Play, Tilt or Barriers in the Kings preſence, or by his command.

In ones own preſervation, or defence of ones goods. And *Crompt.* ſayes that the Maſter may beat him that doth aſſault his ſervant.

To take ones goods wrongfully, if not from ones perſon, his Recognizance is not forfeited.

To treſpaſſe in anothers Corn, no breach of the Peace.

The peace is not broken by beating, wounding or impriſoning any man in the defence of his perſon, but he muſt flye as far as he can to ſave bloud-ſhed.

But it is a breach of the peace, with force from the perſon of another, or in his preſence, to take a Dog, or any thing elſe of pleaſure.

Of Bridges.

HE that is bound to repair a Bridge, muſt maintain it at both ends.

He that is to repair the Arches of a Bridge, if the Buttreſſes be decayed, he muſt follow the courſe of the water, and muſt repair the High-way; and may lay ſtones or other materials upon the land adjoyning, without leave of the owner, becauſe it is *pro bono publico.*

If

If a common Bridge lye within a Franchiſe, they muſt repair it.

If it lye in ſeveral Counties, both muſt repair it.

If it be in a Corporation, the Hundred ſhall not be chargeable.

Where the party or Land is chargeable to a Bridge decayed, the Juſtices may award proceſs.

The Heirs and Suceſſors ſhall be concluded for the making of a Bridge, where a man or his Anceſtors, or a Corporation, uſed time out of minde to make it, though they did it freely at firſt, or upon courteſie. Prior of *Stokes* caſe.

If it cannot be known, who or what land is chargeable for the repair of a Bridge, four Juſtices, one of the *Quorum*, may tax the Inhabitants and make Collectors, and appoint Surveyors, and take accompts of them; if they refuſe, they may make out proceſs againſt them, Attachment or Warrants, returnable at the Quarter-ſeſſions, and tax coſts for the Collectors and Surveyors. 22 *Hen.* 8. *ca.* 5.

A common Bridge is for the common eaſe of the whole County, and muſt be amended by them: Yet if any have fiſhing in that river, he ſhall be chargeable.

Of Buckſtalls.

THe Statute 19 *Hen.* 7. *ca.* 11. ſayes that one that hath offended againſt this Statute concerning Buckſtalls and Deer-hayes, is to be examined by two Juſtices at the Quarter Seſſions, and if convicted though by his own examination only, to be ſent to the Gaole till he finde ſurety for the forfeiture, 9 *Hen.* 7. *ca.* 11. The Juſtices that examined the Offender to have the tenth part.

Of Buggery.

IT is Buggery to lye with Man or Beast, and is Felony without Clergy. 25 *Hen.* 8. *ca.* 6.

Of Burglary.

BUrglary is when one with an intent to commit Felony, doth break the gates of a City, walled Town, Church or house, in the Night, though he take not any thing away with him.

It is accounted Night from Sun-setting to Sun-rising.

What shall amount to Burglary without an actual Entry.

BReaking the Glasse-window, and hooking out of Goods.

Turning the key, being on the inside.

Putting back the leaf of a window.

Making a hole in the wall, and shooting in at the window.

He that shall discharge a Gun at any one, the dore being open, by puting his hand over the threshold.

He that shall put any in fear whereby they cast out their Money, and he carry it away.

When the house is not broke.

ONe entring and the rest standing about the house or not far off.

The servant conspireth with the thief, and opens the dore and the thief entreth.

When they rob the owner upon pretence of being robbed themselves by the help of the Constable.

To

To come down a Chimney.
To have a falſe key, and ſo come in.

The place that makes Burglary.

A Dwelling houſe if any be within a Church walls, or gates of a City, or Town walled.

If the Family be for part of the night abroad, and in the mean time the houſe is robbed.

Though no body be in the Colledg or Inns of Court, to break a Chamber there it is felony.

If a man hath two houſes, and dwells ſometime in one and ſometimes in the other, and hath ſervants at both which are abroad in the night, the houſe is robbed.

He that ſhall break a Stable or Barn neer a dwelling houſe with an intent to ſteal.

He that ſhall rob a back houſe; yet *Dalt.* 255. puts a Quere to enter a houſe with an intent to raviſh one.

It is Burglary in an Inne-keeper that ſhall break into the greſt chamber with an intent to rob him.

What not Burglary.

IF one that hath an intent to beat one enters the houſe.

He that ſhall break an houſe, and depart without entring, *Lambert* 26. 21. but it is felony, *ibid.* 261. it is not Burglary in one under fourteen yeers, *Dalton.* 259.

Nor in poor people that ſteal for hunger under the value of 12 *d.*

Nor in *Non-compos mentis* or naturall fools,

What burning of houſes, &c. is Felony; what not.

BUrning of a Stack of Corn felonioufly.

Where a man ſhoots in an hand-Gun unlawfully, and ſetteth anothers houſe on fire, it is felony.

Where one hath an intent to fire anothers houſe, and part is burnt, and the other quenched, it is Felony.

It is Felony where any burning ſhall proceed from another malicioufly.

It is likewiſe Felony to burn a Barn though empty in the night felonioufly nigh a dwelling houſe.

All malicious burning of houſes being inhabited, or Barns with corn, is Felony.

Of Butchers.

A Butcher killing any weaning Bullock, Steer, or Heifer, under the age of two years forfeits ſix ſhillings eight pence.

Killing Calves for ſale under five weeks, forfeits the like ſum.

The warring of any Hide in any moneth except *June*, *July*, or *Auguſt*, loſeth 3 *s.* 4 *d.* a Hide.

The gaſhing a Hide whereby it is hurt, forfeits 20 *d.*

Of Butts.

THoſe in any Town that ſhall not continue their Butts as they ought, are to loſe every three moneths 26. *s.* *vide le Statute* 33 *Hen.* 8. *cap.* 9.

Of

Of Captaines and Mustering.

IF a Muster-Master shall take any gift for acquitting any from service, loseth ten times the value taken, or 20 *li.* 12 *Ed. 6. cap.* 2.

If any Captain having the charge of men for War, keeps back part of their pay, loseth to the Souldiers thrice as much as is not paid; or to gain a License for any to depart loseth ten times so much as they gain, 2 *Ed. 6. ibidem.*

Of Cattel.

HE that shall buy live Cattel; as Oxen, Steers, Runts Kine, Calves, Sheep, Lambs, Kids and Goats if sold in five weeks after, loseth double, 5 *Ed. 6. cap.* 4.

Of Certificates.

ONe bound to the Peace at his day of appearance makes a default; the Recognizance with the Record must be certified into the Exchequer, Kings Bench, or Chancery.

At the Sheriffs turn, or Law-day, Indictments there found, must be certified at the next Sessions, 1 *Edw.* 4. *ca.* 2, Penalty 40 *l.*

Upon the Letter of the Justice the Clerk of the Crown must certifie what persons have been outlawed of Felony, Clerks convicted or attainted, *Vide le Statute* 34 *Hen.* 8. *ca.* 14.

Recognizance and Release of the Peace must be certified the next Quarter Sessions 3 *Hen.* 7. *ca.* 1. No penalty by the Statute, if the Justice do not.

The Cletk of the peace ought to certifie the transcript

of all Attainders, Outlawry, or conviction before the Juſtices within forty dayes after the Attainder if in Term; if not, twenty dayes after the beginning of the next Term, on pain of 40 *s.* 34 *Hen.* 8. *ca.* 14.

The *Cuſtos Rotulorum* of the County where one is attainted as principal felon, upon the Letter of the Juſtices of Gaole delivery of another County muſt certifie what is done with the principal. 1 *Edw.* 6. *ca.* 24.

Indictments muſt be certified into the Kings Bench, where the Juſtices have no power to proceed upon them without a *Certiorari*.

If there be any preſentment of one attainted of Felony in anothers houſe, it muſt be certified into the Kings Bench, or Exchequer.

If the Juſtices certifie not the Recognizance of an Ale-houſe-keeper at next Quarter Seſſions after taking, he loſeth five Marks, 5 *Edw.* 6. *ca.* 25.

Certiorari.

THe Nature of a Certiorari is to remove an Indictment or a Record, that it may be fully heard when the Juſtices cannot proceed, or to reverſe it where they have proceeded erroniouſly.

There is no need to ſet down the cauſe of removing concerning matters of the Crown.

If a Certiorari iſſueth out of the Chancery the Records are thither removed, and ſent by *Mittimus* into other Courts.

A Certiorari may remove either the Tenour, or the Record it ſelf.

The Certiorari muſt bear date before the Indictment was taken.

That which authorizes the Juſtices muſt not be omitted in the Certificate of the Certiorari to make the Record, neither ought to certifie more then the Certificate warrants by Law.

If

If that the Certiorari differ from the Record, the Juſtices need not certifie.

If a Certiorari come to the Juſtices, to ſend up the Indictment of *A.* although others be joyntly in the Indictment, they need not certifie any but *A.*

Where a force is recorded before them, a Juſtice may ſend the Indictment into the Kings Bench without a Certiorari upon a Recognizance for the Peace, but not if he be put out.

No bills of Indictment for the Riot, forceable Entry, Aſſault or Battery found at the Quarter Seſſions, ſhall be removed by Certiorari but muſt be delivered in Quarter Seſſions; and unleſſe the Indicted will be bound to the Proſecutor in 10 *l.* with ſuch Sureties as the Juſtices ſhall think fit, within a Moneth to pay to the Proſecutor ſuch coſts and dammages as the ſaid Juſtices ſhall allow, or elſe they may proceed to triall, 21 *Jac. ca.* 8.

Of Challenge.

ONe that is indicted of Felony, may without cauſe challenge above twenty, and as many as he will afterward if he ſhew cauſe, 22 *Hen.* 8 *ca.* 14. 28 *Hen.* 8. *ca.* 1.

What may be a good Challenge of a Juror.

THat he is not *Probus & Legalis*, if he be attainted of felony, forgery, or perjury, *&c.*

That he was an Indictor of him.

That he hath not Land to the value of 40. *s.*

In Cities and Burroughs that he hath not Goods to the value of 40. *l.*

Champerty.

Champerty.

CHamperty is, when one out of hope of the thing in queſtion, bringeth a ſuit, or cauſeth it to be brought at his own coſts; for it, he ſhall be fined.

Of Church and Church yard.

HE that ſhall ſtrike maliciouſly in Church or Church-yard, or draw a weapon to that purpoſe, ſhall ſuffer the loſſe of one of his ears, or having none to be marked with the Letter *F*. 5 *Edw. 6. ca.* 4.

He that ſhall keep a Fair or Market in the Church-yard. *Vide le Statute Winton.* 13 *Edw.* 1. *ca.* 6.

Conviction of any upon the Statute, 5 *Edw. 6. ca.* 4. may be at the quarter Seſſions by verdict, teſtimony of two witneſſes, or confeſſion. 5 *Edw. 6. ca.* 4.

Before conviction, execution upon the Statute of ſtriking in Church-yards may be awarded, 5 *Edw. 6. ca.* 4.

Of Church wardens.

CHurch-wardens if there be none, the Conſtable of the Hundred muſt preſent once every year at the quarter Seſſions all Papiſts, and the Names of their Children of nine years old that come not to the Church Monethly being with their Parents and the Names of ſuch Recuſants Servants, 3 *Jac. ca.* 4. upon penalty of 20 *s.* monethly.

Church-wardens and overſeers of the poor, yearly are to make their accompts, before two Juſtices, one of the *Quorum*,

Of all ſums of Money by them received, or rated and not received:

Of ſuch ſtocks as they or any of them have in their hands of their poor, 43 *Eliz. ca.* 2. What

What Apprentices they have put out.

What poor they have relieved or set to work.

If they have monethly met to take order for the poor.

If they have with indifferency assessed the Inhabitants, and Occupiers of Lands, and others of ability.

If they endeavoured to levy and gather such Assessements, the defaulters in any things forfeits 20 s.

Two Justices may make their Warrants to the Church-wardens and Overseers to levy all sums and arearages of all that shall refuse to contribute according to the Assessment, and in default of distress commit them to the Gaole till they have paid.

Church-wardens and Overseers, refusing to make a true accompt to the Justices of all sums of Money, are to be committed to the Gaole till accompt made and the arearages paid to the new Overseers.

Church-wardens and Constables must yearly in *Easter* call together the Parishioners, and then choose Overseers for the High-wayes, 3. *P. and M. ca.* 8. and then appoint six dayes to be before *Midsummer* following, and must give notice of the said six dayes in the Church the Sunday before *Easter*.

Clerk of the Peace.

HE must be present at the Sessions to make process to inroll the acts of the Sessions, and read Indictments.

He must inrole the discharge of Apprentices and record Proclamations for the rates of servants wages, 5 *Eliz. cap.* 4.

He must keep the Counterpain of the Indenture for Armour, 4 & 5 P. & *M. ca.* 2. Repealed by 1 *Jac.* 25.

He must keep the book for Licenses given to Loaders and Badgers of Corn, 5 *Eliz. ca.* 12.

He must certifie into the Kings Bench the Transcripts of all Indictments, Attainders, Convictions and Outlawries

Inquiries had before the Justices within the time limited, upon penalty of 40 *s.* *Vide the Statute.* 34 *Hen.* 8. *cap.* 14.

The Recognizance of the Peace is brought to the *Custos Rotulorum*, if the party grieved will not sue it, the Clerk of the Peace may call upon it for the King, 2 *Hen.* 7. *ca.* 1.

The Office of the Clerk of the Peace is in the gift of the *Custos Rotulorum*, 37 *Hen.* 8. *ca.* 1.

He must record all presentments for not coming to Church, and certifie the not taking the Oath of Allegiance, 3 *Jac. ca.* 4.

The Clerk of the Peace is according to the Statute of 12 *Rich.* 2. *ca.* 20. and not by the *Custos Rotulorum* only.

The Clerk of the Peace may execute it by himself or his Deputy, being admitted by the *Custos Rotulorum*, *Vide Lamb.*

Of the Clerk of the Market.

THe Clerk of the Market taking Money to dispence with faults, as staying longer then necessary, riding with above six Horses, the first offence is 100 *s.* the second 10 *l.* the third 20 *l.* *Vide* the *Statute* 13 *Rich.* 2. *ca.* 4. He shall not take any Money for any Bills, he shall seal a Bushel but once, afterward to take any thing is extortion.

Of Clergy not allowable.

COnjurers, Witches, their aiders and counsellers, 1 *Jac. cap.* 12.

Receivers or aiders of Seminary Priests or Jesuits, 27 *Eliz. ca.* 2.

To conspire, to raze, burn, or take any Castle of the Kings, 14 *Eliz. ca.* 1.

Rape

Rape or burglary, 18. *Eliz. cap. 6.*

Carnally abuſing a woman within the age of ten years, 18 *Eliz. cap. 6.*

Breaking a houſe by day, and taking away any thing to the value of 5 *s.* 39 *El. ca.* 15.

The taking away a maid, widow or wife that hath Land or ſubſtance, the principal or acceſſary before the fact, 39 *Eli. cap.* 9. 3 *Hen.* 7. *ca.* 2.

Buggery and Murder, 5 *El. ca.* 17.

He that poyſons one of malice prepenſed.

A Robber of a houſe, any being in it.

Robbing a Booth or Tent, any being in it.

Horſe-ſtealer or Church-robber.

Commander of willfull murder or pety Treaſon.

Stabbing one that hath no weapon drawn, or ſtruck not firſt, if he die thereof within ſix moneths, 1 *Jac. ca.* 8.

To burn any dwelling houſe, or any part thereof.

To burn a Barn having any Corn in it.

Deviſing or writing ſeditious or ſlanderous matters againſt the King, or publiſhing falſe reports, 23 *El. ca.* 2.

Souldiers departing without licenſe of their Captain, or Souldiers or Mariners which wander begging, 39. *El. ca.* 17.

If they exceed the time of their Licenſe, or forge or uſe a forged Licenſe.

He that is convicted the ſecond time for forging Deeds, 5 *El. ca.* 14.

He that ſhall take away above 12 *d.* from the perſon of another, 8 *El. ca.* 4.

He that ſhall call himſelf an *Egyptian*, or conforts with them, contrary to the Statutes. 5 *El. ca.* 20. 1 & 2 *P.* & *M. ca.* 4, 5.

He that ſhall acknolwedge any Judgement, Bayl, Fine, Recovery, Deed inrolled, Statutes or Recognizances in the name of another, and he not privy to it, 21. *Jac. ca.* 26.

One that hath had it formerly, 1 *Edw.* 6. *ca.* 12.

Where

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Where Clergy is granted.

CLergy ſhall be allowed but once, 4 *Hen.* 7. *ca.* 13. *Crompt.* 118. a. *nu.* 36.

In all caſes Clergy ſhall be allowed that are mentioned in the Stat. 1 of *Edw.* 6. *ca.* 12. or ſince that time taken away.

If a woman ſteal to the value of 12. *d.* and is convicted, if it be not to the value of 10 *s.* Where a man may have his Clergy, the woman ſhall be burnt with the letter *T.* and whipped, 21 *Jac. ca.* 6.

If a man be attainted by Outlawry or Parliament, ſtanding mute, or challengeth peremptorily above 20. where the Statute takes it away, upon conviction by verdict. *Vide Lamb.* 567. if Clergy ſhall be denyed.

Any man may be indicted of another Felony, after Conviction, and Clergy allowed, and burnt in the hand, 18 *Eliz. ca.* 6.

In favorem vitæ if the indictment doth not preciſely agree with the Statute, the priſoner may have his Clergy.

If the Ordinary be not preſent, the Juſtices may give a Felon his Clergy.

Of Cloth.

ANy two Juſtices, the Money ariſing from deceitfull Cloth, may diſpoſe of it, 39 *Eliz. ca.* 20.

In Towns not Corporate, two Juſtices muſt appoint Overſeers yearly to ſee that part of the Statute executed, yet in force, 3 *Edw.* 6. *ca.* 2.

Every Juſtice beyond *Trent* hath power to ſearch out the deceit in ſtretching thoſe Countrey Clothes, 39 *Eliz. ca.* 20.

Any that ſhall be appointed by two Juſtices to be Overſeer of keeping the Statute of Clothing, having not a reaſonable

reaſonable excuſe, forfeits 40 s. one half to the Juſtices.

If any Juſtice be found faulty in executing his Office concerning the deceitfull making Northern Clothes, forfeits 5 *l.* 39. *Eliz. ca.* 20.

All Woollen Clothes preſented to two Juſtices by a Retayler as defective againſt this Statute, and the Statute 4. & 5. *P. & M. cap.* 5. ſhall be cut in three parts, one to the King, one to the preſenter, and the third part to the Juſtices, 5 *Edw. 6. ca. 6.*

There muſt be a ſeal of Lead to the Cloth to ſhew the length, and tryed by water, or be fined, 3 *Edw. 6. ca.* 2.

No Cloth is to be ſtretched but a yard and a half in length, and half a quarter in breadth, nor to ſhrink more in wetting, upon pain of 40. s.

The Dyer loſeth 20. s. that ſhall not perfectly boyl Grain or Madder upon Woad, and ſhot with good Cork and Orchall, all Browns, Blews, Pewks, Tawnies and Violets, 3 *Edw. 6. ca.* 2.

All Woolls for Hats, Caps, Bayes, Grayes, Marbles, Ruſſets muſt be perfectly oaded, boyled and maddered, or forfeit for every Cloth, or Wooll for a Cloth, 20 s.

He that ſhall dye with Brazill, ſhall forfeit 20 s. a time, 3 *Edw. 6. ca.* 2.

Except *Devonſhire* and *Cornwall* ſtrairs, he that ſhall put Flax, Chalk, Starch or other deceivable things upon Cloth, loſeth 40 s.

He that ſhall ſell Cloth by leſſe meaſure then the true content of the yard and inch, forfeits 6 s. 8 d.

He that either in *England*, *Wales*, or *Ireland*, preſſeth Cloth to be ſold, loſeth the Cloth or value.

Neglecting, or refuſing to be ſearchers for Cloth quarterly, loſeth as the Offenders.

He that ſhall interrupt the ſearch of Cloth, loſeth 20 l.

The *Kentiſh* Clothes being wet, muſt contain betwixt 20 and

and 30 yards in length, and seven quarters broad within the list, well dressed, they must weigh 76 pound; or loose 20 s. for want of length and breadth, and so much for wanting of 4 l. in weight, 5 *Edw. ca.* 6. *Vide* 4 *Jac. ca.* 6.

Losse of Cloth, fine and imprisonment for a moneth, is the penalty for making of Linnen Cloth deceitfully, 1 *Eliz. ca.* 11.

All Offences concerning stretching of Northern Clothes, must be presented by the Overseers, at the next quarter Sessions after the offence committed, and there heard and determined, 39 *Eliz. ca.* 20.

If the Justices fail in the executing of the Statute, then to be heard and detetmined before the Judge of Assizes, 39 *Eliz. ca.* 2.

Of the Commission of the Peace.

THis Commission is determined by the Kings pleasure, by implication, or expresse word, death, or by the presence of a greater power, or by occasion of another Office, as Sheriff.

The Commission is voyd, if Justices sit and do not adjourn the Sessions from time to time. *Brook Commission.* 12.

A new Commission of the Peace, *Hac vice tantum*, determines the old after once sitting.

A Commission of the same kinde to other Commissioners, without word or discharge, revokes the former by implication.

The Justices of the Shire may meddle where a Justice is made within a speciall Liberty, without words of prohibition.

Till a new Commission be read and proclaimed in a full County, the old Commission is not determined.

The authority of a Justice of Peace is not determined by the accession of a higher Title.

If

If a new Commission be granted to hear and determine Felonies, it determineth the old Commission; but not concerning the Peace. *Brooks Commission* 8.

The keeping of the Commission of the Peace belongs to the *Custos Rotulorum*, therefore a Justice doing any thing by vertue of his Office needs not to shew his Commission. *Crompt.* 120, b *nu.* 13. *Lamb.* 387, 388.

Amongst others, two Lawyers are to be assigned in every Commission of the Peace to proceed to Gaole-delivery.

Where two Commissioners are joyntly, and 'tis recorded that one only sate, it was voyd; if one sit and recorded to be done before both, it is good; so of Justices of Peace, *Cro.* 121. a. *nu.* 19. & 183. a. For you cannot take an averment against the act of the Justices or Commissioners.

A Justice may be discharged by Writ, but must be made by Commission. *Boook Commission, nu.* 18.

If the Justice in Eyre come into the County and after Proclamation made they sit by vertue thereof, the Justice of the Peace's authority doth cease. So if the Kings Bench remove into the County. *Brooks commission*, 18. Yet *Lambert* makes it a *Quære*, because the Justices of *Nisi prius* do bring a Commission of *Oyer* and *Terminer*. Yet it is no determination of the Commission of the Peace.

And yet *Brooks* Commission of the Peace, 8. a new Comission of *Oyer* and *Terminer* for Felonies determine the ancient Commission of the Peace.

Of Commons.

ALl Commons in forrests and other places must be driven yearly within 15 dayes of *Michaelmas*, upon the pain of 40 *s.*

Of Common prayer.

IF any Minister have refused the Common Prayer or to administer the Sacraments according to the Common Prayer, or have used in the Church any other Prayer in administration of the Sacrament, or have writ or spoken any thing in the derogation of the Common Prayer; the first offence is losse of his Spirituall Living for a year, and imprisonment without bayl six moneths; the second offence is deprivation and imprisonment for a year; the third, deprivation and imprisonment all his life, 1 *Eliz. ca.* 2. 23 *Eliz. ca.* 1.

If any have in Plays, Songs, or Rhymes, or by open word spoken against it, or any thing contained in it; or have maintained any Minister to say other Prayers in the Congregation, or in the administration of the Sacrament; or interrupted any Minister according to the said Book, loseth 100 Marks or six moneths imprisonment without Bayl the first offence; the second offence 400 Marks or 12 moneths imprisonment; and for the third all his goods, and to be imprisoned, during life, *ibid.*

Of Confession.

THe party shall not plead *Not guilty* after the confession, at the parties suite; otherwise of a confession *sub modo* or putting himself *sub gratia Regis*, *Lamb.* 530.

Quære, Whether if he once make a fine, he can plead *Not guilty*, or whether he may drive the party to an absolute confession or Traverse.

He that voluntarily offends against the Statute 1 *Jac. ca.* 9. 4 *Jac. ca.* 5. it is a conviction, and after confession whether his Oath be a sufficient proof against another at the same time offending, 21 *Jac. ca.* 7.

Of

Of Conjuration.

CONjuration of wicked Spirits, is Felony, 1 *Eliz. ca.* 26.

Of the Conservation of the Peace.

IN some cases Coroners may imprison, being they are Conservators of the Peace.

Within their Limits so are Constables.

Of Constables.

CONstables at the Common Law, and before the Statute 3 *Hen.* 7. 3. & 1 & 2 *P. & M. ca.* 13. might bayl any suspected of felony, by obligation, or take surety of the Peace by obligation, or commit to prison any that made an Affray till he found sureties.

A Constable cannot lay hands on two intending to fight, till weapons drawn or offer of a blow.

He that hurts a Constable or other Officer in any Affray or quarrel, the Constable may have an action against him, but the other can have none against the Constable, because it is in the execution of justice.

The Officer may break open dores where two are fighting together, the dore being shut.

A Constable shall be deeply fined, either at Sessions or the Assizes, for not endeavouring to part an Affray; but not so, if he be told of it being absent.

A Constable apprehending an Affrayer may imprison him in the Stocks, till he can carry him to the Gaole, or before a Justice.

For the pacifying an affray, a Constable or Officer may crave ayd of the Kings people.

Upon a Justices mandate two Constables must imprison in each Hundred.

A High Constable at the petty Sessions for an Affray, made in Court may imprison the Offenders. *Coke* 11. *part* 43, 44.

The usual course of choosing the High Constables is at Quarter Sessions; or out of Sessions by the maior part of the Justices of that Division where they dwell and use to be sworn at the Sessions, or by Warrant from thence.

Of Conventicles.

MAny times those are called Conventicles, when many impart their meaning to kill one, or to take anothers part to that purpose.

In this word Conventicles is contained conspiracy, confederacy, maintenance and champerty; and likewise the giving of Liveries other then to menial servants.

Of Corn.

UPon the Statute of forestalling, a Certificate of one Justice of Peace is sufficient, joyned with the Customer of the place, concerning unlading and selling of Corn, Grain, or Cattel, carried by water from one place to another unto the Customer or Comptroller of the place where it was imbarked, 5 *Edw.* 6. *ca.* 14. 13 *Eliz. ca.* 25.

He loseth double that hath sufficient Corn; and, buying seed, brings not so much to market to sell, 5 & 6 *Edw.* 6. *ca.* 14.

Of Coroners.

A Coroner touching extortion in his Office, or not exe-
ca. 9. 4 ing, may be convicted of an offence against the
[illegible] *Hen.* 8. *ca.* 7.
[illegible] oroners may in some cases commit to Prison, as they
are

are conſervers of the Peace, 1 & 2 *P. & M. ca.* 13.

Coroners ought to be preſent at the Seſsions, as being parties and Judges of the Outlawries.

Coroners muſt certifie their Inquiſitions at the Gaole-delivery, and not at the Seſsions.

Of Cottages.

HE that ſhall convert a dwelling to be uſed for a Cottage, unleſſe he layes four acres of his own free Land of Inheritance neer to the ſaid Cottage, to be ſtill manured with it as long as it ſhall be inhabited, forfeits 10 *l.* except in Market Townes, City Corporate or ancient Burrough, near or the dwelling of workmen to Minerals, Coal-mines, Quarries of Stone or Slate; makers of Tyle, Brick, Lime or Cole, not being above a mile from their work, or uſed for habitation of ſuch Workmen, or Victualling of Ships within a mile of the Sea, or ſome Navigable River, or a Cottage for keeping of Forreſts, Chaſes, Warrens or Parks, Cottage for a common Heardsman or Shepheard of any Town, or for the poor, lame, ſick, aged, impotent perſon, or hath continued by the Juſtices of Aſsize, or of the Peace in open Seſsions, 31 *Eliz. ca* 7. 39 *Eliz. ca.* 3. 43. *El.* 2. 35 *Eliz. ca.* 6. for every m'oneth continuing the Cottage, forfeits 40 *s.* a moneth.

In a Cottage there muſt be no Inmates, 31 *Eliz. ca.* 7. none can make a Cottage, except by order of the Juſtices, and leave of the Lord of the waſte, at the charge of the Pariſh, Hundred, County, 39 *Eliz. ca.* 3. 43 *Eliz. ca.* 2 All offences againſt this Statute are to be heard at Quarter Seſsions, 31. *Eliz. ca.* 7. A decree may be made at Seſsions for the continuance of a cottage that hath not four acres of Land.

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Of a County.

A Felon that is purſued out of one County into another, ſhall be commited to the Gaole of the County where he is taken.

Of Cozeners and Cozenage.

ONe Juſtice of Peace may either ſend Cheaters to the Houſe of correction, or bind them to the Good behaviour, or to the Aſsizes or Seſsions.

Two Juſtices, one of the *Quorum*, may binde thoſe that are but ſuſpected for Cheaters to the next Quarter Seſſions, or may impriſon them or bayl them at their pleaſure.

All thoſe ſhall ſuffer any corporal puniſhment except death, that falſly and deceitfully get into the poſſeſſions, money or goods of other mens, by colour of falſe or privy tokens or counterfeit Letters, and convicted thereof at Quarter Seſſions upon examination of witneſſes. 33 *Hen.* 8. *ca.* 1.

Of Croſſe-bowes and Hand-guns.

NOne can keep Gun, Dagg, Piſtoll, Croſſe-bow or Stone-bow, under 100 *l. per Annum.*

Within 20 dayes after ſeiſure, any perſon that ſhall ſhoot in, carry, keep, uſe, or have any Gun, under three quarters of a yard in length; if ſhorter, he that hath 100 *l. per Annum*, may ſeize it and break it within the time above limited, or elſe forfeits 40 *s.*

None ſhall carry in his Journey any Gun charged, or Bow bent; that hath not 100 *l. per Annum.*, unleſſe in time and ſervice of Warre, or going to Muſters.

None may ſhoot in or neer a Market, but in defence of his houſe, perſon, or at Butts.

Neither

Neither can the Maſter command the ſervant to ſhoot but at Butts, or a bank of earth, or in War.

Any man may attach the offender againſt the Statute 33 *Hen.* 8. *ca.* 6.

The offender may be ſent to Gaole upon the due conſideration of the Juſtice.

Theſe are excepted out of the Statute.

SErving men whoſe Maſters are enabled by Statute.

Gun-makers or Gun-ſellers, dwellers alone or neer the ſea-ſide, or that have placards, may ſhoot accordingly.

He that hath licenſe (having not 100 *l. per Annum*) to ſhoot in any Gun, his name muſt be preſented to the next Juſtice, and by him to the quarter-Seſſions, and there recorded, or the Juſtice loſeth 20 *s.* 3 *Edw.* 6. *ca.* 14.

Any licenſed to ſhoot in Hand-gun or Birding-piece, is prohibited to ſhoot only at Fowl, and to be bound in 20 *l.* to obſerve it, 1 *Jac. ca.* 7.

At any partridge or Pheaſant, Duck or Mallard, Houſe-dove, or ſuch other Fowl, any that ſhoot, may be committed by two Juſtices to the Gaole for three moneths; or at the Hart, 1 *Jac.* 27.

If any perſon not having Lands of the value of 40 *l.* or Goods worth 200 *l.* ſhall uſe any Gun, Bow, or Croſſe-bow to kill Dear or Conies, except ſuch perſons as ſhall have any ground incloſed, uſed for the keeping of Deer Coniet *&c.* or be Keepers or Warreners, any having Lands to an 100 *l. per Annum* in or for life, may take their Guns away, and keep them to his own uſe, 1 *Jac. ca.* 13.

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Of the Cuſtos Rotulorum.

THe Records and the Commiſsion are in the cuſtody of the *Cuſtos Rotulorum*, and he ought to ſee them brought to Seſsions.

He that is *Cuſtos Rotulorum* is alwayes a Juſtice of the *Quorum*.

Of Cutting of Purſes.

IT is felony without Clergy to take any Goods from ones perſon, to the value of 12. *d.* although it be without aſſault or fear, 8 *Eliz. ca.* 4.

Unleſſe the thing taken be to the value of 12 *d.* it will not amount to death. *Dalt.* makes it a Quere.

The thing taken from the Owner muſt be in the actual poſſeſsion of the Thief.

Of Cutting out of Tongues.

THe cutting out of tongues, pulling out of eyes, *felleo animo*, is felony of death, 5 *Hen.* 4. *ca.* 5.

Of the Cutting of a Pond-head.

HE that ſhall deſtroy the head of a Pond, Stew, Moat, or ſeveral Pit where Fiſhes are put by the Owner thereof, or have fiſhed on purpoſe to take away the Fiſh againſt the owners will; the puniſhment is to ſuffer impriſonment, and to be bound to his good behaviour for ſeven years, 5 *Eliz. ca.* 21. 3 *Jac. ca.* 13.

Of Deer-hayes.

THe Juriſdiction belongs to the Juſtices of the Forreſt concerning a Hart proclaimed, and the Juſtices of peace cannot receive an Indictment, 21 *Hen. 7. ca.* 13.

If any ſhall be convicted of killing or taking any Deer unlawfully, he ſhall pay treble damages, lye 3 Moneths in Priſon, put in ſureties for his good behaviour for ſeven years after, 5 *Eliz. ca.* 21. 3 *Jac. ca.* 13.

If any that ſhall ſell any Deer, Partridge, Pheaſant or Hare(Houſe-partridge or Pheaſant excepted) or that come from beyond the Sea, forfeits, for every Deer, 40 *s.* every Hare or Partridg 10 *s.* every Pheaſant 20 *s.*

Of a Demurrer.

IF any ſhall demurre upon the evidence, being indicted, the Juſtices muſt record it.

Of Deputies.

A Judge cannot make a Depury, *Lamb.* 539.

Of Divine Service.

ANy that are 16 years of age muſt come to their Pariſh Church to hear Common Prayer, on Sundays and Holy-dayes, or forfeits 12 *d.* every offence, to be levyed by the Church-wardens to the uſe of the poor, to be puniſhed by the cenſure of the Church, 1 *Eliz. ca.* 2.

In his Limits and Diviſion it is lawfull for the Juſtice where the offender inhabiteth, for not comming to Church upon proof of default by confeſsion of the party

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or witneſſe, to call the party before him and for want of a ſufficient excuſe to make a warrant under his hand and ſeal to the Church-wardens, to levy for every offence 12 *d.* and for default by diſtreſſe, and in default thereof to commit the Offender till payment, 3 *Jac. ca.* 4.

Of Drovers and Badgers.

THoſe that are licenſed as Drovers and Badgers, muſt be in open Seſſions, for the vending of all ſorts of grain, and there regiſtred and kept by the Clerk of the Peace, 5 *Eliz. ca.* 12.

All offences againſt this Statute may be inquired of by examination of witneſſes or preſentment. 5 *Eliz. ca.* 12.

By *fieri fac.* or *Capias* awarded by the Juſtice the forfeiture due to the Informer upon this Statute, is to be levyed, 5 *Eliz. ca.* 12.

Concerning the licenſing Badgers, Laders, and Drovers, the Clerk of the Peace muſt write their Licence, and Regiſter the ſame in a Book and the Recognizance taken before the Juſtice of Peace, the effect whereof muſt be, that he ſhall not do any thing contrary to the Statutes provided againſt Foreſtallers, and therein write the names, ſurnames, time day and place where it was granted, and bring the ſame to Seſſions, taking for the Licence 12 *d.* Recognizance 8 *d.* Regiſtring 4 *d.* 5 *Eliz. ca.* 12.

Of Drunkenneſſe.

ANy perſon that ſhall be convicted of drunkenneſſe, upon the Juſtices view. his confeſſion, or by one witneſſe upon oath, 11 *Jac.* 7. within ſix moneths after the offence committed, ſhall loſe 5 *s.* to be gathered by the Church-warden, and he refuſing by warrant from the Juſtice to be levyed on his goods, if he be not able, he

he is to be put in the Stocks six hours; for the second offence to be bound with sureties to the good behaviour; and for want of sureties to be sent to the Gaole, 4 *Jac. ca.* 12.

Any neglect in the Officer in levying or correcting, forfeits 10 *s.* to be levyed and disposed of as the penalty it self, 4 *Jac. cap.* 5.

Upon the Statute of Drunkenness, the penalties are to disposed of to the use of the poore, *ibidem.*

Constables, Tithing-men and Church-wardens are to swear in their Oaths to present the offences against the Statute of Drunkenness, *ibidem.*

The offences against the Statutes of Drunkenness may be proceeded against either at the Assizes or Sessions, 4 *Jac.* 5.

None shall be punished twice for the same default, *ibidem.*

Of Ecclesiasticall persons.

ALL Ecclesiasticall persons are subject to arrests, unless they are attending Divine Service.

Concerning Eggs and wild Fowl.

THE eggs of wild fowl taken or destroyed from the place where layed betwixt the 1. of *March*, and the last of *June* by any, he shall have a years imprisonment, and forfeits for every Egge so taken of Crane or Bustard 20 *d*; Heron or Shovelack 8 *d*; Mallard, Teal, and other wild Fowl, 1 *d.* 3 *Ed. 6. ca.* 7. 28 *Hen.* 8. *cap.* 11.

He shall have three moneths imprisonment and bound to his good behaviour for seven years, that takes away the eggs of any Hawk out of his woods or grounds, 5 *Eliz. cap.* 21.

To

To take or cauſe to be taken upon other mens or his own ground the eggs of any Falcon, Goſhawk, Lanner, or Swan, a year and a dayes impriſonment, 11 *Hen.* 7. *c.* 17.

The offence for taking or willingly deſtroying eggs of Pheaſant, Partridge, or Swan, by confeſſion, or proof of two witneſſes before two Juſtices where the apprehenſion or offence is committed, is impriſonment for three moneths, unleſſe he pay to the Church-wardens where the offence was committed to the uſe of the poor, 20 *s.*

Of Egyptians.

A Juſtice of Peace, after one Moneths landing of any outlandiſh perſons, calling themſelves Egyptians, that ſhall come into this Kingdom, may ſeiſe all their goods and keep them for his own uſe, one moity accounting in the Exchequer for, the other reſtoring to them their goods that prove they were craftily or felonioufly ſtollen from them upon the forfeiture of double the value to the prover; after the Moneth expired it is felony, and then they ſhall have the whole, 1 & 2 *P. & M.* 4. *Quære* whether the Statute 22 *Hen.* 8. be in force or altered by 1 & 2 *P. & M. c.* 4.

Of Enquiry.

IN certain Caſes a Juſtice of Peace can onely enquire and no further; as of offences againſt the Supremacy, 23 *Eliz. cap.* 1. of treaſons and miſpriſions of treaſons made by 23 *Eliz. c.* 1 of offences againſt the Statute of falſe rumors againſt the King, 23 *Eliz. c.* 1.

Of Eſcapes.

WHere the Conſtable hath arreſted one that hath wounded another, and voluntarily lets him go, he that

that was hurt dies within a year and a day, the Conſtable ſhall Fine to the value of his goods, but it is not Felony in him.

He that ſhall ſuffer one to eſcape willfully, is Felony, but a negligent Eſcape is onely fineable.

If the Act were not Felony at the Eſcape committed, as the wilfull Eſcape of one arreſted for Larceny, manſlaughter *per infortunium ſe defendendo*, it is not Felony.

Before he that ſuffered Eſcape ſhall anſwer it, the Priſoner eſcaping muſt firſt be preſented.

It is Felony in any Juſtice to ſend for a Felon out of the Gaole and then to free him.

It ſhall be but a negligent Eſcape in a Juſtice that ſhall bail one not bailable, if he do it *pro defectu ſcientiæ*.

If a manſlayer in a Town-not walled eſcapes in the day time, the Towne muſt anſwer it.

It is a voluntary Eſcape, and ſo Felony in the Juſtice that lets a Felon go without commitment or Bail, that hath confeſſed the Felony before him *Crompton* 339. *A. nu.* 7. 44 *A.*

It is Felony in a Gaoler that ſuffers a Felon wilfully to eſcape.

For ſufficiency the County ſhall be charged, but the Hundred for a man ſlain out of Town.

If any Officer or Gaoler ſuffer his priſoner to go out for a time, he in returning according to his time limited, or he let him go by bail, it is a negligent eſcape, and fineable, yet *Quære*, for he muſt be kept *in arcta & ſalva conſtodia*, *Crompt.* 39. *B. nu.* 5.

It is a negligent Eſcape in the Conſtable to ſuffer a thief to drown, kill, or hang himſelf, though the Conſtable know it not; but if he voluntarily ſuffers the thief to down himſelf, it is Felony.

If a Priſoner be committed for Felony, it is felony in the Gaoler if he let him voluntarily eſcape; if treaſon, then

then treaſon in him; if treſpaſſe, then treſpaſſe in him.

Of Eſcheators.

ANy Eſcheator that hath not 20 *l. per annum* in Fee or for life, other then thoſe in Cities and Burroughs, or that have ſold or ſet to farm their Office, or make a Deputy for whom they will not anſwer, and certifies not his name within 20 dayes, forfeits 40 *l.* 12 *Ed.* 4. *c.* 9.

An Eſcheator that takes for the Execution of a Writ above 40 *s.* where the Tenour is *in Capite*, forfeits 4 *l.* 23 *Hen.* 6. *ca.* 17.

Likewiſe if he take above 15 *s.* for finding an office that doth not exceed 5 *l.* loſeth 40 *l.* 33 *Hen.* 8. *cap.* 22.

Of Eveſdroppers.

THE puniſhment of Eveſdroppers which ſhall by night hearken at mens houſes what is ſaid to carry it about, ſhall be bound to the good Behaviour.

Of Evidences.

AT the next Gaole-delivery Juſtices of the Peace are to binde over all that ſhall give any evidence againſt any Priſoners.

What examinations are taken in one County may be certified into another, there read and given in evidence.

He ſhall be committed or bound to the good behaviour that refuſeth to be bound over to give Evidence at the Aſſizes or Seſsions.

Of Eſtreats.

THe Clerk of the Peace ſhall make two Indentures, and one deliver to the Sheriff, the other to the Barons

of

of the Exchequer concerning the extracts of Fines, forfeitures, and amerciaments.

The Justice that had the examination of the matter must see the Estreats recorded of the penaltie for shooting in Guns and sent into the Exchequer.

The Sheriff shall be fined to pay treble damages that shall levy any of the Kings Debts, without shewing the Estreats under the Exchequer Seal, 27 *Eliz. ca.* 7.

He shall lose five Marks to the King, and as much to the party that shall estreat Issues of others that are not charged or chargeable. 27 *Eliz. cap.* 7.

Of Examinations.

THe party that gives Evidence against a Felon must be bound to appear by the Justice before whom the Felon is brought, and the examination put in writing within two dayes after, 2 & 3 *P. & M. cap.* 10.

A Felon shall not be examined upon oath; for by the Common Law, it was not warrantable: the Maxime being, *Nemo tenetur seipsum accusare.*

Concerning Circumstances observable in the Examination of a Felon.

Examinations of Offences.

NO Conviction can onely be by examination, but where the Statute refers it to the discretion of the Justices, or specially limiting it.

A Justice may as well examine the offenders as the witnesses where the Statute doth limit the conviction to be by examination generall.

It is a *Quere* where an examination can be taken upon Oath against the King, yet it must be taken as well against as for the King.

Whatsoever a Felon confesseth before a Justice, is not any

any conviction, but he may deny it upon his triall.

A Justice may examine upon oath the Evidence against a Felon, for the party may die before the Assizes, and then an Information without Oath is invalid, *Crompt.* 194. *A. Nu.* 5.

When it is to informe the Jury upon the indictment it needs not, if the Justices examination of the party be his conviction, it must be upon oath.

Of Extortion.

IT is Extortion, in an Escheator, Coroner, Under-Sheriff, Bayliff, Gaoler, or in Spirituall Officers, a Ordinary, Archdeacon, Officiall, by colour of their Office to take more for their Fee then is due.

Any taken *virtute officii* is allowable, but *colore officii* is extortion.

A Constable bringing a felon to Gaol, if either Sheriff or Gaoler take any thing, it is extortion in them.

One that is in prison gives the Gaoler money to let him at liberty, easement or favour, it is extortion in him.

A Schoolmaster is allowed by the Ordinary or Minister to keep a School, if they take any thing it is extortion in them.

If the Ordinary for probat of Wills and granting Administrators when the goods be not 5 *l.* then he may take for his Fee 6 *d.* to the writer onely; if above 5 *l.* and not 40 *l.* to the Ordinary 2 *s.* to the writer 1 *s.* if above 40 *l.* to the Ordinary, 2 *s.* 6 *d.* Scribe, 2 *s*, 6 *d.* 21 *Hen.* 8. *ca.* 6. more is extortion.

The Marshall cannot detain any prisoner discharged, but for his Fees.

If a mans beasts be taken in another mans ground, and the Owner of the ground prescribes to have 4 *d.* for every beast there taken, or to make amends to him at his will, it is extortion if he take it.

Of

Of Fairs and Markets.

IF any ſhall keep a Fair or Market in a Church-yard, he ſhall be fined. *Statute of Winton.* 23.

Of Fees.

THe Bayliffs of Liberties ſhall have the ſame Fees a the Sheriff; for any arreſt 20 *d.* the Gaoler if committed 4 *d.* for the obligation 4 *d.* and no more, upon the pain of 40 *l.* 23 *Hen.* 6. *ca.* 10.

Such Fees as the Sheriffs and their Miniſters have out of Liberties, the Bayliffs and the Miniſters of Liberties ſhall have the like, and the like puniſhment for extortion, 27 *Hen.* 8. *ca.* 24.

Of Fining by the Clerk of the Peace.

THe Clerk of the Peace for inrolling a bargain, and ſale, 2 *d.* Lands not exceeding 40 *s. per Annum*, if more then 2 *s.* 6 *d.* 27. *Hen.* 8. *ca.* 16. and the Juſtice the like ſum: if they take more, they ſhall be fined.

He that takes a Rogue into his ſervice, ſhall take but 12 *d.* for the Recognizance, 14 *Eliz. ca.* 5.

For making and regiſtring a Licenſe for a Badger, Lader, Drover or Kidder, 2 *s.* 5 *Eliz. ca.* 12.

For ſhooting Hawks meat, a Licenſe, 12 *d. per* 1 *Jac. ca.* 17.

For the Recognizance of an Ale-houſe-keeper to the Juſtices Clerk 12 *d. ut ſupra.*

That Coroner that ſhall refuſe to do his office for one that is ſlain by accident, without fees, loſeth 40 *s.* 1 *Hen.* 8. *ca.* 7.

The Coroner ſhall have for his fee 13 *s.* 4 *d.* for doing

his Office for one ſlain or murthered, of the goods of the ſlayer or the murderer: if he have none, of the Town where the Fact was done in the day, and was ſuffered to eſcape. 3 *Hen.* 7, *ca.* 1.

Of the Maiors Fee for ſealing.

FOr all Buſhels and other Meaſures, only 1 *d.*

Concerning weights; an one hundred pound weight 1 *d.* half a hundred a half peny, leſſe a farthing; taking more, the forfeiture is 40 *s.* 7 *Hen.* 7. *ca.* 3. 11 *Hen.* 7. *ca.* 4.

For a Licence to eat fleſh, the entring into the Church-book on Fiſh-dayes by the Parſons Vicar or Curate, 4 *d.*

For a ſervants going from one place to another, 2 *d.*

He forfeits 40 *s.* that takes above 4 *d.* of payment of any ſumme, that hath a fee or penſion of the King, be he Treaſurer, Receiver, or Miniſter to his Majeſty, forfeits 6 *s.* 8 *d.*

He that takes above 4 *d.* for the impounding a diſtreſſe, loſeth 5 *l.* beſides the Money he takes above, 1 *&* 2 *P. & M. ca.* 12.

If a Treſpaſſer come in *gratis* and find ſureties, the Sheriff or Gaoler ſhall have no fees.

He that hath proceſſe ſent for him by a Juſtice of Peace to come and put in ſureties, no fee is due to the Officer.

Fees of a Juſtice of Peace, Vide *Crompt.* 176. a *nu.* 9.

Of the Juſtices Fees.

FOr a warrant of the Peace under ſeal, 2 *s.* 8 *d.*

For a Recognizance of the Peace, 2 *s.*

For a Recognizance to bayl a priſoner, 2 *s.*

For a *Superſedeas* of the Peace, 2 *s.*

For

For a Releaſe of the Peace, 2 *s.*

For a warrant that concerneth not the Peace, 4 *d.*

For the Recognizance of an Ale-houſe, 12 *d.* 5 *Edw.* 6. *ca.* 25.

Of Felo de ſe.

HE is a *Felo de ſe* that doth deſtroy himſelf out of a premeditated hatred againſt his own life, or out of a humor to deſtroy himſelf: forefits all his Goods and Chattels to the King, and alſo all his debts real and perſonal, with ſpecialty and without, and all ſimple Contracts.

If two fall out and fight, one falleth to the ground and drawes his knife, the other falls upon him and drawes his knife, and the other falls upon him and is ſlain, this man in ſome kinde is *Felo de ſe*. *Pax Reg.* 122. b. *Stat.* 16. a.

A Lunatick forfeits, if *in lucidis intervallis*; but an Infant, or *non compos mentis* doth not, killing himſelf.

No goods ſhall be forfeited that he had at the time of the blow given, till his death be preſented and found of record.

His bloud is not corrupt, neither doth he forfeit any Lands.

The inquiry belongs properly to the Coroner if he can have the ſight of the body; if not the Juſtice of Peace may inquire thereof, and make preſentment before them, and ſo intitle the King to his goods. *Coke.* 5. *part* 110. b.

Of Felony.

FElonies are by Common or Statute Law.

The Common Law accounts all Homicides not warranted, Felony, as Burglary, Theft, burning of houſes, Reſcous and Eſcapes.

Of Felonies by Statute Law.

HE that being the Kings ſworn ſervant, ſhall plot or conſpire to deſtroy the King, or any Lord of the Kingdome, or the Kings Councell ſworn, or the Treaſurer, Steward or Comptroller of the Kings Houſhold, is guilty of Felony by 3 *Hen.* 7. *ca.* 14.

If a Felon break priſon, 1 *Ed.* 3. *De Priſonam frangentibus.*

If he being commited for felony, eſcapes in going to to the Gaole.

Though he be not indicted of felony, if under arreſt, and makes an eſcape, being committed for felony, it is felony in breaking of Priſon.

One is arreſted for felony, and a ſtranger breaks the Priſon or Stocks, and makes a Reſcous, and he eſcapeth, it is felony in the ſtranger and the other too.

It is felony in any that ſhall reſcous a priſoner going to execution.

It is felony only in him that ſuffers the felon to eſcape, being arreſted for felony.

It's only felony in the priſoner if he eſcapes by negligence.

If he eſcapes before the arreſt for felony, it is no felony, but the Offender may be indicted and fined.

Buggery with Mankinde, burning of houſes with ſtacks of Corn.

Congregations and confederacies holden by Maſons.

Cutting out of tongues, or pulling out of eyes.

Cutting Powdick or Banks in Marſh-lands.

Conjuration, or invocation of evil ſpirits, *Jac.* 1 *ca.* 12.

Conſultation with an evil ſpirit, 1 *Jac. ca.* 12.

Any that ſhall imbezell to the value of 20 *s.* the Kings Armour or ordinance, though at ſeveral times, 1 *Eliz. ca.* 4.

The imbezelling of any Record or Writ, 8 *Hen.* 6. *ca.* 12.

It

It is finable at the Kings will to raſe a Record, 8 *Rich.* 2. *ca.* 4. *Theſe two laſt belong not to the Juſtices, but to the Judges at* Weſtminſter.

Hawks imbezelled and not brought to the Sheriff, Hawks concealed and ſtollen from the Owner; Forging of Evidences the ſecond time, 5 *Eliz. ca.* 14.

A Gaoler enforcing his priſoner to become an Approver.

He that ſhall conceal the offence of hunting Deer or Conies in the night, or that ſhall diſobey the arreſt for ſuch offences.

To take a wilde or tame beaſt or other thing in a Park, by way of robbery.

He that ſhall marry a ſecond wife, the firſt alive. 1 *Jac. ca.* 11.

Multiplication of Gold or Silver. Wilfull poyſoning, if the party die within a year and a day after.

He that ſhall contrary to command go into company infected with the Plague.

Recuſants refuſing to abjure, or return after departure.

To relieve or maintain Popiſh Prieſts.

He that, being a Purveyour, ſhall take any thing above 12 *d.* for the Kings houſe, without Warrant under the Great Seal.

He that ſhall take any thing in other manner then contained in their Warrants.

He that ſhall exceed his Commiſſion in taking any Carriage.

He that ſhall take away any thing from the Owner, without his will, paying for the ſame.

He that ſhall make any Purveyance or Proviſion not by the teſtimony of the Conſtable and four neighbours ſworn if the Owner and Purveyour cannot agree, and ſhall not deliver a *Tales* and Indenture ſealed with his ſeal touching the ſame.

Or takes more then he ſhall deliver into the Kings houſe.

Or ſhall take Sheep betwen *Eaſter* and *Midſummer* in their wooll, at ſmall prices, or more then the Kings Houſhold needs, and carry them to his own, and ſhares them.

In all theſe ſeveral caſes it ſeems to be felony in the Purveyour, Deputy and Servants.

He that ſhall take any things without the owners conſent, and not paying preſently, although he hath a Charter, 23 *Hen* 6. *ca.* 14. 7 *Rich.* 2. *ca.* 8. 36 *Edw.* 3. *ca.* 6.

He that ſhall rob in a houſe, to the value of 5 *s.* in the day, though no body be in either the houſe, barn, or ſtable, 39. *Eliz. ca.* 15. no Clergy.

If any perſon, be it either by day or night, be put in fear, *ibid.* it is Felony without Clergy.

He that ſhall rob any perſon in his dwelling, any being within, *ibid.* without Clergy.

Any in the Booth in Fair or Market, either ſleeping or waking, without Clergy, 39 *El. ca.* 15.

Any ſervant (other then an Apprentice) to whom any Goods or Chattels be delivered, by Maſter and Miſtris, to the value of 40 *s.* if he goe away with it, with an intent to deceive or defraud them or ſhall convert them to his own uſe, 5 *El. ca.* 13. 21 *Hen.* 8. *ca.* 7.

All Souldiers that have not firſt taken the Oath of Allegiance, going out of the Realm, 3 *Jac. ca.* 4.

If any Gentlemen, or of higher degree, Captain or other Officer, that ſhall goe to a Forainer, before he be bound with two ſureties to the King not to be reconciled to the Pope, nor to conſent to any conſpiracy againſt the King, 3 *Jac. ca.* 4.

That Souldier that having taken preſſe-money, ſhall depart from his Captain, and, being in ſervice, goes away without licenſe, 3 *Hen.* 8. *ca.* 5. 7 *Hen.* 7. *ca.* 7. *Coke* 6. *part* 27. 18 *Hen.* 6. *ca.* 19.

Such Souldiers or Marriners that take no courſe to live but wander idly, 39 *El. ca.* 12.

Thoſe

Thoſe Gunners that take preſſe-money to ſerve the King departing without licenſe, 5 *El. ca.* 5.

Such Souldiers or Mariners that have no teſtimonial at their landing, *ibid.* or that ſhall exceed their limitation by the ſpace of 14 days, 43 *Eliz. ca.* 3. ſhall be puniſhed like Rogues; they that ſhall or have forged a Teſtimonial, knowing it to be ſo.

In all theſe caſes, ſee the Statute of 43 *El. ca.* 3.

All thoſe ſhall be puniſhed as Rogues, being Souldiers or Mariners, counterfeiting a Certificate from their Captain.

The ſecond offence of the Tranſportation of Sheep, is felony, 8 *El. ca.* 3.

He that ſhall raviſh a woman forceably though afterward conſenting, it is felony, 18 *El. ca.* 6. 13. *Edw.* 1. *ca.* 3. *Weſtm.* 3.

All that be aiders, aſſiſters or abettors in Rapes, are principals.

It is a Rape to raviſh a Harlot againſt her will.

He that ſhall take away unlawfully any maid, wife, or widow having Lands, againſt her will, it is felony, 3 *H.* 7. *ca.* 2.

He that ſhall procure or abett the taking of any of them, or ſhall receive any ſo taken, 3 *Hen.* 7. *ca.* 2.

He that ſhall abuſe any under 10 years of age, carnally, 18. *Eli. ca.* 6.

He that againſt her husbands or her own will ſhall take away a mans wife with her husbands goods, *Stamf.* 94. *Weſtm.* 2. 13 *Edw.* 1. *ca.* 34.

He that ſhall rob any Church or Chappell felonioufly.

She that hath a baſtard Childe born, and the mother ſeeks to conceal it by drowning it or murthering it, that it may not come to light, be it born dead or alive, it is murder in her, unleſſe ſhe can prove by one witneſſe that it was born dead, 21 *Jac.* 27.

It is felony without Clergy to acknowledg in the

name of another any Bayl or Judgement, Statute, Recognizance, Fine, Recovery, Deed inrolled, 21 *Jac. ca.* 16.

What Felony hath been committed in one Kings time may be tryed in another.

A felony done in one County and the Felon flies into another County and there committed, he shall be removed by Writ to the County where the felony was done; but now I think the course is, to try him where he was taken.

For robbery the Indictment must be where it was committed, for goods taken in one County and caried into another, he shall be tryed in either County. *Brook Certior.* 140. *Indict.* 26.

For *bona ignoti* any man may prosecute.

He that stealeth stollen goods, the owner may indict the first or second.

Any other after proclamation may charge the Felon, if the owner will not; if any will inform for the King, he may do it safely and indict and give evidence.

A Justice of Peace hearing of any that can give evidence, may examine him and bind him over.

Of Fewel.

HE that shall break the Assize for fewel, one Justice after conviction, may put in the Pillory, in the next Market Town where the offence was committed, being not enabled to pay the forfeiture, there to stand at eleven a clock, with a billet bound to his body. *Quære* whether the Justice may convict him alone, 7 *Edw.* 6. *ca.* 7.

Of Fines.

THe offender ought to be delivered, either upon payment of the fine, or entring into Recognizance to pay it.

This

This word *Fine* hath his denomination from *Finis*, which makes an end with the King concerning the offence.

Before that Justice before whom the offender was lawfully convicted, the assessement of the Fine belongeth.

Any stander by when one is slain, shall be imprisoned till he pay a fine, because he did not endeavour to attach the murderer; and so it is of other felonies.

A Justice of Peace upon forceable entry or detayner, after the offenders conviction before him, may assesse the Fine, or commit him to the Gaole; upon sureties may enlarge him, and estreat it, and send it into the Exchequer: but the better way is to leave it to the Kings Bench.

Unlesse it be for Ale-houses, no Fine can be assessed where it is uncertain, till the offender be brought in by a *Capias pro fine*, and for High-wayes.

It is fittest to be done in open Sessions, where the Statute maketh an offence fineable in generall tearms, or at the Kings pleasure, the Justice before whom the offence was may do it.

There ought to be treble the Fine, where the Statute speaketh of Fine and Ransome: Yet Sir *Edward Cokes* opinion is, it is all one. *Vide Coke Just.* 127. a.

Fines upon Tyles, Crosse-bowes and Ale-houses by expresse words of the Statute may not be altered.

According to the quality of the offence Fines must be, 34 *Edw.* 3. *ca.* 1.

The party shall be delivered after one is taken *per Capias pro fine*, after the Justices have assessed the Fine, and payd.

Of

Of Fiſh.

ANy that ſhall caſt Nets into waters, by which the fry of Fiſh may be taken; or Salmons, betwixt the Nativity of St. *Mary* the Virgin and St. *Martin*; or young Salmon betwixt the midſt of *April* and *Midſummer*, one Juſtice may inflict puniſhment upon them; the firſt offence is burning their Nets and Engines, the ſecond three moneths impriſonment, the third one years impriſonment; and for any of them by fine at their diſcretion 17. *Rich.* 3. *ca.* 9.

They ſhall have three moneths impriſonment, and be bound to the good behaviour, that ſteal Fiſh, and that cut the heads of Ponds, 5 *Eliz. ca.* 22. 3 *Jac.* 13.

All forfeitures upon the Statute 3 *Jac.* 12. for deſtroying any ſpawn or brood of Sea-fiſh, may be levyed by diſtreſſe and ſale of the offenders goods, by warrant from one Juſtice to the Conſtable or Church-warden, 3 *Jac. ca.* 10. the forfeiture is 10 *s.* and one half to the poor, the other to him that ſhall inform and ſue for the ſame.

He that ſhall averre, that the abſtaining from Fiſh upon dayes now generally uſed for Fiſh-dayes, that it is for the ſalvation of ſouls, either by preaching, teaching or writing, otherwiſe then other publick Lawes, ſhall ſuffer as a ſpreader of falſe newes.

Of Fiſh-dayes

ANy eating fleſh in Lent, forfeits 20 *s.* except aged, ſick perſons, or women with childe, or that are licenſed, and one moneths impriſonment, 5 *Eliz. ca.* 5. 27 *Eli. ca.* 11. 35 *Eliz. ca.* 7. 1 *Jac. ca.* 2.

Any common Inne, Tavern, or Ale-houſe-keeper offending againſt the Statutes of 5 *Eli. ca.* 5. 1 *Jac. ca.* 29. either that ſhall kill, dreſſe, or eat Fleſh, is to loſe the

the flesh, and the penalty of the Statute is 3 *l.*

Those that have warrants to eat flesh they shall not be warranted to eat Beef, Mutton, Pork, Veal, or Bacon, because the License is in respect of sickness.

That Butcher shall lose his meat, or the value, though licensed, killing in Lent, that shall sell any Ox-Beef, Hogg, Calf, or Mutton, except three dayes next before *Easter*, and except Beef for the victualling of Ships.

Any Constable or other Officer may search any Victualallers house suspected for dressing flesh, may take it, and give it to the poor.

He that shall, having authority, grant any license to eat flesh to those that have no need, loseth 5 Marks, and the license is void, 5 *Eli. ca.* 5.

Of Flax.

THe Justices may levy the forfeiture of Hemp and Flax, by what processe they please, 24 *Hen.* 8. *ca.* 4. 35 *Eli. ca.* 7.

Of a Force.

ALl Trespasses by the common Law are accompted Forces, and they may commence the action with these words, *Vi & armis.*

The Law tearms that properly a Force, that is done either *manu forti, or cum multitudine.*

Manu forti is violence done to ones person by word or deed.

Deed is accounted, when one is furnished with offensive weapons not usually born.

That may be said to be armes that any one takes in his hand to throw at another.

Multitudine the Law accompts where there are three or more in a company.

What man the Law construes to enter with Force.

HE that shall enter an house with one or more weapons such as be not usually wore, and violently enter the House or Land.

That entry that must be forceably must be actual.

If that many meet together to do a Force and one only doth it, all are in Law guilty.

He that enters peaceably, and forceably puts another out of possession, is said to have done it with force.

If they enter peaceably, and say they will keep the possession though they all die for it.

If he be a Master, and enter with more servants then usual.

It may be a Trespasse *Manu forti* or *Multitudine*, if they come and but cut Grasse or Corn, take goods or crop wood or other trespasse, though the party be not put out of possession, that it is a forceable entry, and may by the Statute be punished, if they enter in peace, yet it is a disseising with force.

It doth countervail a force to enter with force to distrain for Rent due or not due.

It is a forceable entry in all, where divers enter where the entry is not lawfull, though they all behave themselves peaceably except one, and he enters with force.

In all these cases of force the Justices of Peace only may imprison, remove the force, and upon view imprison and fine, and upon view the Justices may commit the offender and record the force, *Coke lib.* 8. *f.* 120.

Of

Of what ſhall be a Forceable Entry by words.

TO make an entry in a peaceable manner, and then being within to threaten to kill him whom they have diſſeiſed if he re-enter.

What accompted in Law no Force.

TO make an Entry quietly, his Entry being lawfull, and perſwading them within to come out; the door being open, or ſhut by the latch, to enter without multitude, or any offenſive weapons, or in any violent manner.

If one enter into a houſe peaceably and quietly, and finding Armour doth not remove.

He that ſhall take a man out of his houſe peaceably and impriſons him, and in the interim to ſend another into the houſe peaceably to enter, is no force.

He that only agrees to an Entry with force made to his uſe, is but a Diſſeiſor.

What in Law is accounted a Forceable Detayner.

A Forceable Detayner is of Lands and Tenements, and not of the perſon.

Except quiet poſſeſſion had been for three years, if the Entry be peaceably, and the Detayner forceably.

If it be but by one perſon, and no weapon ſhewed; to deny a Juſtice of Peace to enter upon ſuppoſal of forceable Detayner, is forceable Detayner.

If a Juſtice make an entry, and finde any armed or Armour, not uſual, or more then the ordinary Family.

He is a forceable Detayner that detains a houſe morgaged by force from the mortgager.

He

He that ſhall place a company in a houſe ready to aſſail the enterers, or enter peaceably and after bring in more weapons, or uſe weapons to defend the poſſeſſion.

Where the diſſeiſed ſhall foreſtall the diſſeiſor with force, ſo that he dare not come neer.

The Juſtices may impriſon and fine him that keeps Cattle having no Common, but cannot award reſtitution.

How the Law accompts a Forceable Detayner by words.

TO make an entry peaceably, and after threaten to kill the diſſeiſed if he come again.

The Law takes it for a forceable Detayner, when he that is diſſeiſed is threatned to be maimed, beaten or bodily hurt; for upon any of theſe death may enſue.

What no Forceable Detayner of Rent.

HE that findes Armour or Weapons in a houſe and removes them not.

He that ſhall threaten to burn his houſe or his goods, denyes to open the dores, or denyes to goe out.

If the owner cannot diſtrain for his Rent nor uſe his Common Paſture, the Tenant reſiſteth ſo forceably.

If the Tenant ſhall foreſtall the way by force and Arms.

When the Tenant maketh Reſcous of the diſtreſſe with Force and Arms.

The Juſtices in theſe caſes can award no reſtitution of Rent and Common, but may remove the ſame and record it upon view, impriſon and fine.

Of ſuch Perſons as may make a Force.

ONe man may make a Force to the Affray of others, either with offenſive weapons or turbulent behaviour.

An Infant of 18 years or under may make a force.

A married woman may make a force by her own act, and ſhe may be impriſoned and fined; but the fine cannot be layd on her husband.

If one counſell or perſwade others to a Force, and being preſent, though he doth nothing yet he is a Principal; if abſent, he is accounted in Law a Diſſeiſor only.

Where divers make an entry, one commiteth a force, all are guilty.

Of them that cannot be outed; and where one may hold with Force.

NO man can diſſeiſe our Soveraign Lord the King; an Indictment upon the Statute 8 *Hen. 6.* therefore is not good; the Kings Farmer cannot preferre a bill of Indictment upon the ſaid Statute, but muſt have an information out of the Exchequer.

He that hath quietly held his poſſeſſion three years, may hire ſtrangers to maintain his poſſeſſion, and have his company in Armour; but he ſhall not reſiſt the Juſtice that comes to view.

The plea of three years peaceable poſſeſſion upon Indictment of forceable entry, avoydeth impriſonment, fine, and reſtitution.

But not if the Entry were forceable though the holding peaceable; nor if the holding were forceable and though the Entry peaceable.

It is a *Quære* if a Diſſeiſee have continued peaceably three years, if he ſhall be aided by the 8 *Hen. 6.* or 31. *Eliz.*

31 *Eliz. cap.* 11. if a Diſſeiſee have continued his poſſeſſion twenty years, he may be endicted upon the 8. of *Hen.* 6. the Juſtice may make reſtitution. Nor if the poſſeſſion of three years have been interrupted.

Where a Diſſeiſee quietly holdeth three years, and after the Diſſeiſee doth enter and make claim, the Diſſeiſor re-entring cannot hold with force; for he is in, upon a new diſſeiſing, *Dalt.* 212.

When one hath been in poſſeſſion by the ſpace of twenty years lawfully and is outed, he cannot re-enter nor hold with force.

Where a Force may be ſaid to be lawfull.

WHere a Force is uſed for the advancement of Juſtice or Judgement of Law by the Kings Judges and officers, as for example;

To apprehend and carry to priſon offenders in Treaſon, Felony or other Capitall Crimes.

A Sheriff or other officer to arreſt by vertue of the Kings Writ.

Where unlawfull Entries or holding of poſſeſſion, and repreſſing of Rioters, the Juſtices may do it by force.

All that ſhall attempt to break or diſturb the Peace: a Juſtice, Sheriff, Conſtable or Coronerr may uſe force in apprehending them or impriſoning them.

To arreſt offenders within, it is lawful to beak open dores if the officers cannot otherwiſe enter; but the officer muſt make known his intent before he break open the dores.

For treaſon, felony, or ſuſpicion of felony.

When one hath dangerouſly wounded the others.

Any Affray being in an houſe or a forceable Entry or detayner found by inquiſition.

In a *Capias pro fine* directed to the Sheriff or upon a *Capias utlagat.* in an action perſonall.

Any

Any Popiſh Recuſant being excommunicate upon a Proceſs or Warrant, 3 *Jac. c.* 4.

Upon a warrant for the good Behaviour or Peace.

In a Recovery in a reall or perſonall action, but not to execute the Kings Proceſs upon the body or goods of any perſon at the ſuit of any ſubject in caſes where the King is party.

In what caſe a forceable defence may be lawfull.

ANy man may keep his houſe, family, goods and chattels, for it his Caſtle, againſt injury for his defence and repoſe.

In the ſafeguerd of himſelf, wife, father, mother, or child within age, or in defence of his Lands.

He that is an Heir or Feoffee in truſt may preſerve the poſſeſſion by force, if they or their anceſtors whoſe eſtate they have, have been in peaceable poſſeſſion three years.

In all theſe caſes he that diſturbeth me, or doth attempt to beat or lame me, I may beat him again in defence of my perſon and poſſeſſion.

What may be done by a Juſtice of Peace in a forceable Entry and Detayner.

EXecution may be done by the Juſtice at the coſt of the party; upon complaint or notice given, he may go to the place.

The Juſtice may, if he think fit, raiſe a *Poſſe Comitatus* by the Sherff, or elſe cauſe him to arreſt the offenders for the removing the force, and ſend them to Gaole; and he that ſhall refuſe to obey the Juſtices order

ſhall be impriſoned and make Fine, 15. *Rich.* 2. *cap.* 2.

They may take likewiſe their weapons and appriſe them for the King, and break open dore if ſhut, and entrance denyed, except by Enquiry the Juſtice cannot remove them unleſſe he finde a force.

The Juſtice ought to record the force and indent it, certifying one part into the Kings Bench and keep the other.

By the Statute of 15 of *Rich.* 2. *ca.* 2. upon a forceable detayner upon his own view he may record it.

The Juſtice muſt firſt enquire by a Jury recording a force upon their own view before they put the party out of poſſeſſion, and then the force being found may put the other into poſſeſſion again.

The Record of the Juſtice is not traverſable, but a ſufficient conviction of the offender.

Till the fine be paid, the Juſtices may commit the offenders preſently to the next Gaole, if he finde them continuing the force, or forfeit 100 *l.* but then it muſt be in ſight of the Juſtice.

Theſe Juſtices are the proper Judges of the offence and aſſeſſe the Fine, but it muſt be ſeverally, and the Eſtreats to be ſent into the Exchequer, and then the party to be delivered: yet *Quære*, for the Sheriff is accomptable for all Fines; and *Lamberts* advice is to refer it over to the Kings Bench, and the Juſtice record the force, commit the offenders, and certifie the Record to the Aſſizes or Seſſions, and there the offenders fined. Yet it ought more properly to be done by them that record the force.

The Juſtices may refer the Fine to the Kings Bench, and thither certifie the Record, which is the beſt way ſaith Mr. *Lambert* 159.

All Fines ought to be according to the quality and quantity of the offence.

The Force that was committed muſt be inquired in place

place neer where the force was, and within a Moneth, if a Riot; and one Juſtice may enquire.

There may be an inquiry in the abſence of the offenders, or if the Juſtice be not preſent where the force was, yet there ſhall be no reſtitution without enquiry.

The Sheriff muſt ſummon a Jury to enquire 24 of 40 *s. per annum, vide le form. Crompt.* 132. b.

The Sheriff not executing on the Juſtices Precept loſeth 10 *l.* 8 *Hen.* 6. *cap.* 9. upon default the Juſtices may award an *Alias* and *Plures infinite.*

At the ſecond Precept the Sheriff muſt return 40 *s.* Iſſues, the third 5 *l.* and every day after double. 8 *Hen.* 6. *cap.* 9.

The Indictment ſhall be good for the King if the Juror have not 40 *s. per annum.*

If there be a preſentment of ſuch force ſent into the Kings Bench, or removed thither by *Certiorari*, then the Juſtices of the Kings Bench may award a Writ of Reſtitution to give poſſeſſion to the party outed, *Coke* 9 *part.* 118.

Upon the Statute of *Northampton* in the 2 *Ed.* 3. 3. for removing a force, the Juſtice ought to remove the force, and certifie into the Chancery what he hath done; for in this caſe the Juſtice is but a Miniſter.

The way to proceed upon this Writ is thus, he muſt cauſe three Oyes, and then make Proclamation in the Kings name, thus;

The Kings Majeſties Juſtices of the Peace do ſtrictly, and in his Majeſties name command all perſons to keep ſilence whileſt his Majeſties Writ is read, and Proclamation be made accordingly.

Then let there be three Oyes more.

His Majeſties ſaid Juſtices ſtraightly doe charge and command, that no manner of perſon of what degree or quality ſoever, now being within the houſe of *B. &c.* in the ſaid Writ named, ſhall go armed or keep Armour

or weapon, or do any thing there which may disturb His Majesties Peace, in offence of this Statute made at *Northampton*, upon pain to lose his said Armour and weapons, and of imprisoning his body, at his Majesties pleasure. God save the King.

Then may the Justices make a search and take away their Armour and imprison their bodies, untill other mandates come from His Majesty, or his Judges, *Vide le Writ Fitzherbert*, 244. and the Title Bailment, *& postea.*

If upon proclamation they do depart in a peaceable manner, then the Justices shall not imprison them, nor take away their armour.

All Justices may do it *ex officio* without Writ.

This distinction there is; without Writ, no Proclamation nor Certificate into the Chancery, but the Justice may enter search and commit the offenders there found, apprize the Armour, record, estreat, it and send it into the Exchequer.

The Justices can onely remove the force, and can make no restitution.

Concerning forfeited Recognizances for the Peace.

THe Recognizance is forfeited upon any breach of the Peace, as to threaten a man to his face to beat him or kill him.

To offer to strike, though he hit him not; all affrayes malicious and violent striking or menacing.

To have company or weapons not usually worn, to command another to break the Peace, if done in deed, to imprison or arrest one without Warrant.

To thrust one into the water, and in danger of drowning, to ravish one against her will, to commit Burglary, Robbery, Murder, Manslaughter or any Treason a-

gainst

gainſt the perſon of the King, to be riotouſly aſſembled.

That act muſt be done upon the perſon of another which breaks the Recognziance for the Peace.

The conviction for Petty Larceny is forfeiture of goods.

Of Forgery.

IT is Felony the ſecond time to forge Deeds concerning anothers Land after conviction, but not to be enquired by the Juſtices of Peace.

Of Foreſtalling and foreſtallers.

HE that ſhall buy any victuals or wares, or contract for the ſame before they come to Market or Fair, or Port, or inciteth the party to advance the price, or not to bring them to Market, is a Foreſtaller.

He that is a Foreſtaller convicted at the Quarter Seſſions by the depoſition of two witneſſes, the firſt offence is loſs of goods, impriſonment two moneths without Bail; the ſecond is, he forfeits double the goods, and ſix moneths impriſonment; for the third, loſes all his goods, and ſtands in the Pillory, and in Priſon during the Kings pleaſure, 5 *Ed. 6. cap.* 14.

All the moities due to the Informer ſhall be levyed by a *Fieri facias*, or *Capias*, by the Juſtices.

Of Fowlers and Fowling.

HE that ſhall take or deſtroy by ſhooting in Guns, Bows, ſetting Dogs, Nets, or other Engins, any Pheaſant, Partridge Pheaſant, Heron, Mallard, Duck, Teal, Widgion, or other ſuch Fowls, and being convicted by the oath of two witneſſes before two Juſtices of Peace where either the offence or apprehenſion was, is three moneths impriſonment without Bail, unleſſe he

pay to the Church-wardens of either place to the poor for every Pheasant 20 s. for every Egg of Partridge or Swan taken or destroyed, or after one moneth of his commitment be bound with two Sureties in 20 *l.* never to do the like: the Recognizance is to be returned to the Quarter Sessions, 1 *Jac. cap.* 27. 7. *Jac.* 11.

Of Gaole and Gaoler.

A Justice of Peace or Constable may not make a Gaole of his own house, as a Gaoler may.

It is felony in a Gaoler, by compulsion to make his Prisoner to be an Approver.

It is murder in a Gaoler that by hard usage shall kill his Prisoner.

The Gaoler that takes above 4 *d.* for a prisoners commitment, forfeits 40 *l.* one half to the King the other to the Informer, 23 *Hen.* 6. *ca.* 19.

It is no felony in a Gaoler that shall kill a prisoner that shall make an Uproar in the Prison, and assault his Keeper.

It is fineable in a Gaoler that shall refuse to take a Felon of a Constable, or taking any thing, 4 *Edw.* 3. *ca.* 10.

The Justice may send an Attachment for him into another County that goes away with money levyed to build a Gaole, 23 *Hen.* 8. *ca.* 2. 25 *Hen.* 8. *ca.* 5.

It is an escape in the Gaoler that shall suffer a prisoner to go out of his sight, not returning again.

If the Gaoler refuse to receive any arrested for felony, the Town must keep him till a Gaole-delivery, but the Judges of Assize shall punish such Gaoler.

The Gaoler must take nothing upon the commitment of a Carpenter, Mason, or any other Labourer, that refuse to serve, on pain of 10 *l.* To the King 5 *l.* to the party 5 *l.* 34 *Edw.* 3. *ca.* 9.

Of

Of Glaſſe-men.

ANy Glaſſe-man of an honeſt life and converſation may travail, ſo it be within the ſaid County and without begging, having a Licenſe under the hands of three Juſtices whereof one of the *Quorum*, by the Statute 39 *Eliz. ca.* 4. But they are made Rogues and ſo to be puniſhed by the Statute, 1 *Jac. ca.* 7.

Of Goldſmiths.

ALl Goldſmiths or workers of Gold muſt work as fine Silver and Gold in allay as the ſterling, and put his mark to it, 2 *Hen. 6. ca.* 14.

None to have or wear any gilt or any metal but Silver except Spurs of Knights or apparel of Barons or above, under the forfeiture of ten times the value and impriſonment a year, 8 *Hen.* 5. *ca.* 3.

Of the Good Abearing and Behaviour.

FOr the good Behaviour you may have a ſpecial Writ out of the Chancery directed to the Keeper of the Peace and to every one of them upon the Statute of 34 *Edw.* 3, *ca.* 1.

The Good abearing may be granted by one Juſtice of Peace, and that out of Seſſions, yet it is better not to grant it but upon ſpecial cauſe and ſuit of others, and that upon ſufficient cauſe, and not upon one alone, nor one Juſtice.

Of the cauſes it may be grantable for.

AGainſt Rioters, common Barretors, quarrellers and diſturbers of the peace, lyers in wait to rob, generally ſuſpected for High-way men, ſuch as are likely to commit murder or homicide upon the Kings Subjects, ſuch as ſhall poyſon others.

Againſt ſuch as are of evil name, fame, and ſuſpected for ſuch enormous crimes, as haunters of Bawdy-houſes, keepers of Bawdy-houſes, common Whoremongers, and common Whores, Night-walkers and Pilferers.

Such as ſhall commonly haunt Ale-houſes and Taverns, having little to live on, ſuch as ſhall caſt mens Carts and Gates into ponds.

Drunkards twice convicted, meſſengers of thieves, ſuch as make falſe *Hue and Cry*, Cheaters and Cozeners, Libellers, the reputative father of a Baſtard, unlawfull hunters in Parks after examination.

The abuſing of officers in executing their office, as Juſtices of Peace, Conſtables, or other officers; if a Juſtice ſeeth a man break the Peace, and charges him to keep the Peace, and anſwers He will not.

Words of contempt againſt a Juſtice, though he is not executing his place; abuſing a Juſtice of Peace and his Warrant.

When one will not proſecute one for a riot or force, the Juſtices being aſſembled for enquiry.

When one chargeth a man for felony, and will not proſecute.

He that ſhall diſturb Preachers; that ſhall deſtroy or ſteal Fiſh after lawfull conviction, 1 *Mar. ca.* 2. 5 *Eliz. ca.* 21.

He that ſhall take Hawks, or the eggs of Hawks out of other mens grounds, being convicted lawfully, 5 *Eliz. ca.* 21.

He

He that ſhall ſteal, hunt, or kill Deer or Conies, in Park or Warren, after conviction 3 *Jac. cap.* 13.

What perſons ought to be bound at Seſſions.

THoſe that diſturb the execution of the Statute for Rogues, he that is pardoned for felony muſt be bound before the Sheriffs and Coroners 23 *Eliz. ca.* 1. 10 *Edw.* 3. *ca.* 3.

All Popiſh Recuſants muſt be bound in the Kings Bench, 23 *Eliz. ca.* 1.

Diſturbers of the execution of the Statute of the poor, 39 *Eliz ca.* 4.

She that hath had twice a Baſtard. 7 *Jac. ca.* 4.

Such as be unruly and will not keep order, having their houſes infected with the Plague, 1 *Jac. ca.* 1.

Of Guns and Gunners.

IT is felony in a Gunner to depart from his Captain without licence, or to wander with a forged one.

Againſt the Statute 33 *Hen.* 8. *ca.* 6. every perſon may attach an offender, and carry him before a Juſtice; untill the penalty be paid, the Juſtice may ſend him to the Gaole.

Theſe things concern the Statute Law.

UNder 100 *l. per Annum*, none may ſhoot in or keep a Gun, Dagg, Piſtoll, Croſſe or Stone-bow.

He that hath 100 *l. per Ann.* may take away any Gun from any offender; but muſt break them.

None may ſhoot neer a Market-town, but in defence of his houſe, or at a Butt.

The Maſter ſhall not command the ſervant to ſhoot but at a Butt or in time of Warre, except Serving-men whoſe maſters are enabled.

But

But persons dwelling alone or neer the Sea may keep Guns.

The names of such persons that keep Guns shall be presented to the next Justice of Peace, and recorded by the Clerk of the Peace, that have not 100 *l. per Annum* and yet keep Guns.

Notwithstanding the Statute, the Sheriff or any of his Officers may carry Guns or other kinde of weapon for the execution of his office *Coke 5 part 72.*

Any two Justices of Peace for three moneths may commit to prison any that with Guns kill Partridge, Pheasant, House-dove, Mallard, or any Fowl, 1 *Jac. ca. 27.*

Of Harvest-time.

ALl that refuse to labour in Harvest-time, be he Artificer or other persons meet to labour in Hay time or Harvest, are to be put in the Stocks two dayes and one night, and the Constable and other head Officer to do it upon pain of 40 *s.* 5 *Eliz. ca.* 4. & 5.

Of Hawks and Hawking.

HE that shall take Hawks Eggs is to have three moneths imprisonment, there to remain till he find sureties for the good behaviour, 5 *Eliz. ca.* 21. 3 *Jac. ca.* 13.

It is imprisonment a year and a day, the forfeiture 10 *l.* that shall take the Eggs either in his own grounds or in anothers, or that shall drive them out of their Covert, of any Hawk of the breed of *England*, called a Nyesse, Goshawk, Tassel, Lanner, Lanneret, 11 *Hen.* 7. *ca.* 17.

The Offender shall be bound over to the next Sessions with sureties, that shall hunt in eared or codded Corn, 13 *Eliz. ca.* 10.

Vide

Vide 7 Jac. ca. 11. againſt thoſe that between the moneths of *July* and the laſt of *Auguſt*, ſhall hunt either Pheaſant or Partidge.

Of Hay or Oats.

AN Inholder muſt ſell all manner of proviſion either for man or beaſt at reaſonable prices, if he bake Horſe-bread, except in Town or Village, being a thorough-fair, and being no City or Town Corporate, it muſt be of the Aſſize and weight after the rate of Corn ſold in the Market: The Firſt offence is fineable, ſecond to be impriſoned a year without bayl, the third to ſtand in the Pillory without redemption, laſtly fore judged for ever keeping any Inne any more. *Vide le Statute* 21 *Jac. ca.* 11.

Of Hedge-breakers.

THoſe that ſhall break or cut hedges, pales, rayls or fences, or pull up trees to carry them away, rob Orchards, Gardens, or Spoylers of Woods, Poles or ſtanding trees, being convicted before a Juſtice of the ſame County, either by confeſſion or the oath of one witneſſe, or any ſuch dammage as ſhall be by the Juſtice appointed, if not of ability to pay, the Conſtable to ſee the Offender whipped: if he doth fail in his Office, to be committed without Bayl till it be done, 43 *Eliz. ca.* 7.

If the offence be committed againſt the Juſtice, he cannot puniſh the Offender without the aſſiſtance of another Juſtice.

Of

Of High-wayes.

THe High wayes leading to market Townes one Juſtice may cauſe to be enlarged, and cleanſed of buſhes and other briers and thorns, 13 *Edw.* 1. *ca.* 5.

According to the Statute 2 & 3 *Phil. & M. ca.* 8. any Juſtice may preſent the inſufficiency of High-wayes in open Seſſions upon his own knowledge, and it ſhall be as ſufficient as the preſentment of twelve men, and the Bench may preſent the ſame in the abſence of the party, ſaving the offender his Travers.

Two Juſtices one of the *Quorum*, to enforce the accompt of any Officer that hath in his hands any money for the forfeitures upon the Statute 2 & 3 *P. & M. ca.* 8 about High-wayes, and them that have money to impriſon till payment; if the Officer be refractory they have not power, but it muſt be in the Seſſions.

The Conſtable and Church-wardens muſt on Tueſday or Wedneſday in *Eaſter* week call the pariſhioners, and cuhſe Surveyors for High wayes: ſix dayes muſt be by them appointed for the amending High-wayes, before *Midſummer*; notice muſt be given in the Church the Sunday after *Eaſter* of the ſix dayes; he that hath a Plow-land or Cart muſt ſend his Cart with two able men to work 8 hours in every day for ſix dayes, or forfeit 20 *s.*

The other pariſhioners having 5 *l.* in goods or 40 *s.* Lands in the Subſidy, muſt finde every day two able men or forfeit 10 *s*; a Cottage 1 *s.*

He that hath Land in ſeveral Towns or Pariſhes ſhall be charged in every of them according to his Eſtate.

In default that Ditches, Fences, Hedges next High-wayes, be not cleanſed, 10 *s.* for every default. *Vide le Statute* 5 *Eliz. ca.* 13. 18 *Eliz. ca.* 9.

They muſt be cut down by the owner of the Land upon pain of 10 *s.* for every default: The penalty is 20 *s.*

upon

upon any Surveyor that refuseth 2 & 3 *Phil.* & *Mar. ca.* 8. the Surveyor must present to the Justices within one moneth, or forfeits 40 *s.* 5 *Eliz. ca.* 13. 29 *Eliz ca.* 5.

If the Bayliff or Constable that receives the Estreats, do not levy or make a true accompt and payment of all sums levyed to the Constables and Church-wardens, or have not employed them upon the High-wayes, or certifies not the same within one moneth to the next Justice, and the Justice at the next Sessions, upon the penalty of 5 *l.* If after the Moneth the Justices certifie it at the next Sessions, it is nought.

All Constables and Church-wardens may be called to an accompt before two Justices one of the *Quorum*, concerning their arrears in payment between the first of *March* and the last of *April*; the fine at the Session shall be levyed by Estreats, indented, sealed and signed by the Clerk of the Peace, and delivered by him within six weeks after *Michaelmas.*

The Bishops Chancellour and three Justices may call to accompt and examine the bestowing of money upon Bridges and High-wayes, and punish the detainer thereof, 14 *Eliz.* 5. 39 *Eliz. ca.* 18.

The same process as is used in the Kings Bench, shall be used upon Indictment, upon repair of Bridges and High-wayes, or such as the Justices shall think fit, 22 *Hen.* 8. *ca.* 5. Neither shall there be Ditch, Bush or underwood within 200 foot of one side or other of any common High-way: if it be the Lords default, and robbery be committed, he must answer; and he that is Lord of a Park must cleanse it 200 foot from one side to the other, or a sufficient wall, pale, rail, ditch or hedge, that offenders may not passe.

Of

Of Homicide.

THe killing of one man by another is homicide, if he live in the Kings protection; it differenceth not whether he be English man, Alien, or Denizen, *Lamb.* 237.

It is felony to kill one attainted of treason, felony, or outlawed for felony, or in *præmunire* is felony, for he ought to be legally executed. *Stamford* 13.

Homicide may be either in a *felo de se*, or another; a *felo de se* the King by forfeiture hath all his Chattels real and personal, and debts upon specialty, but no Lands, neither is there any corruption in his bloud. *Dalt.* 240. No forfeiture till death. An Infant forfeits nothing, but a Lunatick in his *Lucidis intervallis* forfeits his goods.

Homicide may be two wayes, voluntary or involuntary: Voluntary is murder, and man slaughter, which is when two not *felleo animo* fight suddainly, and one kills the other.

Man slaughter may likewise be by *se defendendo*, or *Chance Medley*: in his person house or goods, it is felony; man-slaughter, by *Chance Medley*, but the Law gives him his Clergy.

Where two are fighting together, and one breaks his weapon, and a stander by lends his Sword with which the other is killed, this in the lender is man-slaughter.

Two meet that were fallen out, and are made friends, and fall out again, and one kills the other, it is man-slaughter only.

It is but *Chance Medley* where the Servant fights in his Masters defence, although malice in the Master, or a stranger suddainly taking part.

Where a man *in se defendendo*, kills one in defence of himself, his goods or Lands or person that he is bound to defend from peril, he in this case forfeits his Goods,

and

and ſhall have his pardon of courſe, but he ſhall flie, as far as a rail, pale, ditch, in ſafeguard of life, that his neceſſity of defence may ſeem inevitable, and ſhall then be committed till the time of his triall; it matters not whether he ſtrike again, if before he give the mortal blow he fly to the ſtrait.

In caſe a man flyes to a ſtrait, as to a pale or wall, and, holding out his Sword, the other runs upon it and is ſlain, this is adjudged *ſe defendendo*, and his goods are forfeited; if he fell on the ground and ſo is ſlain, nothing is forfeited, for then he could not fly; and he that is killed in ſuch kind is a *felo de ſe defendendo*. *Stamf.* 16. a. It is no matter if there were former malice unleſſe he wait for him, or ſet a place to fight or ſtrike the firſt ſtroke.

Where one falls to the ground, his flying to a ſtrait is not neceſſary.

A man may juſtifie the killing of a man who is robbing or killing of his maſter, in defence of his maſters perſon or goods, if not otherwiſe to be avoyded. An Officer or Miniſter of Juſtice in his Offices execution is not bound to fly to a wall, *Coke* 9. *part* 98.

He that ſhall kill any offender in a Forreſt, Park or Warren after a Hue and Cry to keep the Peace, if they render not up themſelves, but fly or defend themſelves by violence, it is no felony.

If a thief come to rob me, I may Juſtifie the killing of him in defence of my life, houſe or goods, my houſe being in or neer the High-way or otherwiſe, or Burglary to break my houſe in the night. *Lamb.* ſpeaks of one entring by force in the day, and killing in the dark.

A man may Juſtifie to beat him that comes to put him out of poſſeſſion, to take his goods, not kill him except he be a thief. He that comes to burn my barn, I may ſhoot, or my ſervant; but to kill a true man in defence of Lands, Houſe or Goods, is Man-ſlaughter.

That

That Homicide that is involuntary, is by misadventure or necessity; the misadventure is when any shall do any lawfull act, having no evill purpose killeth a man: in this case he forfeits his goods, and shall have his pardon of course for life and lands.

So likewise it is misadventure in a Father or Mother, Schoolmaster or Tutor correcting either of these; or if a Mason or Carpenter let any thing casually fall from a House or Cart, and gives warning.

But it is otherwise, a man doing an unlawfull act though he hath no evil intent, and kills a man, yet this is felony, as shooting and casting stones in High-wayes where men travel.

If one be slain in jesting, or playing at foot-ball or wrestling, hand-ball, and other sports, and receiveth a hurt, and dyes within a year and a day; *Quære*, if felony of death, or may have their pardon of course. Or casting a stone by accident, and one slain by the fall of a house or killed by any beast, as Bull, Bear, or Horse, if it be not by the default of another.

That which moves to death is *Deodand*. *Quasi Deo datus*, and so is forfeited to the King, or the Lord that hath the Royalty.

The forfeiture is from the stroke given: the *Deodand* is not due till the matter of Record be found.

The Jury must apprize the *Deodand* that findes the death of a man, the Sheriff shall be charged with the prize, and shall levy the same on the Town: it therefore behoves the Town to see it forth coming, *Stamford* 21. If the party slain be under 14. nothing forfeited as a *Deodand*.

Homicide may be committed in doing execution according to his office, but this cannot be called properly Homicide but Justice; if the officer doth not observe order of Law, then it is felony in the Officer.

It is felony in a stranger to put one to death condemned

ed to die; neither may the Judge that condemned him put him to death.

Homicide in some cases the Law doth allow of; as one that having a Warrant to arrest one indicted for felony upon resistance killeth him.

Any one may arrest a Felon upon a Hue and Cry, and if he resist he may kill him. The Gaoler killeth a prisoner that attempteth to escape, it is not felony.

Divers conducting a Felon to the Gaole, if he offer violently to make his escape, they may kill him and it is not felony.

Where Justices come to resist Rioters, forceable Entries or Detayners, and they will not yield themselves, if they are slain it is no felony.

This hath been taken to be no felony where an officer by vertue of the Kings Warrant arrests one for debt, trespasse, or other action, and is resisted and killeth the resister. *Vide Coke lib. 4. fol. 40, 41.*

Where a true man is killed in defence of his Lands or Goods, it is Homicide by necessity.

There must be inevitable necessity in all these cases, that the offender could not be taken without killing.

Of Horses and Mares.

THe party that hath his Horse stollen, within six moneths may make his claim before a Justice, after the sale thereof, the proof to be by two witnesses, within 40 dayes next ensuing the claim, 31 *Eliz. ca.* 12.

The Justice hath power to give the buyer an Oath, what Money he paid, so that the right owner paying the same may have his horse.

There must be appointed in every Fair by the owner of it a place for sale of horses, and a sufficient man deputed to take toll, or for every default to forfeit 40 *s.* and answer the party grieved, 2 & 3 *Phil. & Mar. ca.* 4.

Where there is sale of a horse not agreeing with the Statute in all things, is voyd.

The Horse must 4 hours at least be in the Fair or Market.

All parties must come to the Book-keeper with the horse, that concern the bargain, and must take perfect knowledge of the seller and vouchers, of the Christian name, surname, mystery, and place of dwelling.

And the voucher must know the seller, and tell the Book-keeper his Christian name, surname, mystery, and dwelling of himself and seller.

There must be a perfect entry of the sellers name, and place of dwelling, and the true price, 31 *Eliz. ca.* 12.

Although it be booked afterward, all Horses sold out of Fair or Market are void.

If the buyer knowes it was anothers horse, the sale in Fair or Market shall not alter the property.

To alter the property, all horses or other goods must be sold in such places or Shops as are usual for such sale or goods.

He that hath stolen a horse, entring it into the Toll-book by a false name makes the sale voyd to the owner.

Of Horse-bread.

HE that is a common Baker, and hath been Apprentice seven years to the trade, shall not make horse-bread in his house, in any Corporate or Market Town, 32 *Hen.* 8. 41. 21 *Jac.* 21.

An Inn-keeper that hath been Apprentice by the space of seven years may make horse-bread in his house being a thorough-fair Town, not a City or Town Corporate, or Market, 21 *Jac. ca.* 21.

It must be according to the prizes of Corn, sufficient and lawful according to the Assize, 21 *Jac. ca.* 21.

The

The penalty for the first default is to be fined, the second imprisonment for a month without bayl, third to stand in the pillory without any redemption by money, fourth never to keep an Inne again. 5 Jac. ca. 21.

Of Hospitals.

IN any place where there are Hospitals, the Bishop and his Chancellor with two Justices of Peace, may charge those that have received the revenue for Hospitals to account, employing the over-plus to the use of the Hospitals. 14 Eliz. ca. 5. 19 Eliz. ca. 18.

Of Houses for Mans habitation.

HOuses in Law are rearmed a mans Castle for his defence, and do protect him from the arrests of any Subject.

In some cases it is a protection against the Kings Prerogative, as it hath been a judged, for that Salt-peterman may not digge in any mans house against his consent, Coke lib. 11. fol. 82.

A man may justifie the killing of any Thief or Murtherer, that shall attempt to rob a man in his house, and shall forfeit nothing. Coke ibid.

Of Houses of Correction.

THe Statute of the 5 Jac. cap. 4. appoints houses of Correction with backsides and implements fit for the setting idle persons at work, to be in convenient places in every County before Michael. 1611. And one to be cholen by the greatest part of the Justices, to be the Overseer of those idle persons for setting them on work. The penalty is 5 l. for every Justice of Peace, the one

half to the Informer, the other towards the erecting of the house.

The major part of the Justices of Peace, at the Quarter Sessions next after the erecting of the house, shall appoint the Master of the said house who is to set on work such idle persons as are sent thither, by moderately correcting them and whipping them. *Vide le Statute ut supra.*

When Rogues have been punished and apprehended, the Constables shall twice a year come before the Justices to be revised, &c.

And those Constables that shall not convey such persons to the house of correction as the Justices shall commit thither, shall be fined to pay so much as by most of the Justices shall be assessed, being under 40 *s. ibid.*

He that is Master of the house of Correction must give sufficient security for the performing the place, and shall have so much quarterly, as by most of the Justices of Peace shall be thought fit, to be payd by the Treasurer, or the master to levy it in such sort as the Treasurer may.

He that is master of the House of Correction must quarterly yield an account to the Justices of such as have been committed, or else be fined at the pleasure of the Bench.

Those that have a Family, and threaten to leave them upon the Parish, upon the Oath of two witnesses shall be sent to the house of Correction untill they give security to discharge the Parish, 7 *Jac. ca.*

She that shall have a Bastard, for the first offence shall be sent to the house of Correction one year, the second offence to be sent thither again till the finde suretes for her good behaviour not to offend so again, *ibid.*

The Master shall be fined, if any committed be troublesome

blesom to the Countrey by their going abroad or escaping, by the major part of the Bench: the Penalties not limited by this Statute must be payd to the Treasurer, and he to be accomptable to the Justices.

Of Hunting and Hunters.

HE that shall hunt in any Corn eared of any mans without his consent, with Spaniels or any other Dogs, one Justice may examine the matter, and if he see cause bind over the offender to answer it at the next Sessions with good sureties, or pay the penalty appointed by the Act of 23 *Eliz. ca.* 10.

If any Justice of Peace have notice of unlawfull hunting any Deer or Conies in the night in any Disguise, in Forrest, Park or Warren, he may make a Warrant to the Sheriff or other for his apprehension, to bring him before him or some other Justice: if he conceal it, it is felony in the concealer; but confessing the truth, it is but fineable 1 *Hen.* 7. *ca.* 7. It is likewise felony to disobey the Warrant by making any Rescous, so to hinder the execution of it.

If the Justice please, after examination taken, he may binde over the offender to his good behaviour, that he may be forth coming to be further examined.

Unlawfull hunting committed by three or more will prove a Riot.

The Statute of 7 *Jac. ca.* 13. sayes, that they which shall enter by night or day, into any ground enclosed for preserving Deer or Conies and chasing or killing, upon conviction, imprisoned three moneths without bayl and there to continue till treble damages be payd, and costs to be assessed before the Justices by whom the conviction was, or to the party 10*l.* for a Deer so taken, finding sureties for his good behaviour for seven years, 3 *Jac. ca.* 13. 7 *Jac. ca.* 13.

Those that have offended by 3 *Jac. ca.* 13. in Parks or inclosed grounds, made after the Statute without the Kings Licence, they may upon this Statute award process by Indictment, Information, Bills of complaint, or other Actions wherein no Essoyn shall lie.

Any not having Lands of the value of 10 *l. per Ann.* of Inheritance, in his or his wives right, or for life 30 *l. per Ann.* or Goods worth 200 *l.* keeping a Grey-hound, shall be imprisoned three moneths without bayl, except he pay to the Church-wardens 40 *s.* for the use of the poor of the said Parish, 1 *Jac. ca.* 27.

Any that hath Lands in Fee Simple or Fee Tail, or that hath any Lands worth 100 *l. per Ann.* that finds any that shall use Guns, Bows, Dogs or Engins in the hands of any that hath not 40 *l.* Lands *per Ann.* nor is worth 200 *l.* in Goods, any that hath 40 *l. per Ann.* may take them from them, except Warreners, or others that have Lands enclosed for keeping Deer or Conies, 3 *Jac. ca.* 13.

A spiritual person not having a Benefice of 10 *l. per Ann.* or a Lay person 40 *s. per Ann.* that shall keep either Ferrets or Doggs to hunt, a years imprisonment.

Of a Hundred.

THose that are robbed, the Hundred and the Liberties belonging shall be taxed towards the robbery, by two Justices, one of them being of the *Quorum*, 27 *Eliz. ca.* 13.

There must be notice given of the robbery by the person robbed, to some inhabitant neer the place where the robbery was committed presently, or else he shall have no action against the Hundred upon the Statute of 27 *Eliz. ca.* 13. and commenced within the year, and must be examined by the next Justice upon Oath, within twenty dayes, if he knew the robbers or any of them.

Before

Before the action brought, if he knew any of them before the said Justice, he shall be bound to prosecute the offenders at the next Assizes, and then, if the Robbers be not taken within 40 dayes, the Hundred shall answer the dammage. If it be out of a Town, and a man slain, and the Murderer escapes in the day, the Hundred shall be charged. And an offence done in one Town, a Jury in another may present it.

If any of the Offenders be taken, the Hundred is freed; yet if a house be robbed, though in the day, the Hundred is not charged.

The Hundred is not charged with any night Robbery, yet it shall be though before Sun-rising or Sun-setting, if it be by day-light, *Coke 7. part 6.* In the pursuit, if any of the Thieves be taken, the Hundred is not lyable; if one of the Robbers only be taken, the Hundred shall be amerced only.

Of a Hue and Cry.

ANy Justice may by his Commission binde over the Officer that followes not the Hue and Cry, and he shall be attached to answer it before the Justices of Gaole-delivery.

A Hue and Cry shall be made from Town to Town, County to County, both by Horsemen and Footmen, or else it is not a lawfull pursuit of the malefactors.

It is Burglary for any to pretend a Hue and Cry, and then to enter into any mans house, and then to bind them in the house and the Constable, and rob them.

The Justice is entituled by the first *Assignavimus*, to cause Hue and Cry, fresh suit and search, to be made against any Murtherer, Robber, Thief, or other Malefactor.

The Officer ought to send to every Town round about when any Robbery is committed in any Town, a Hue and Cry.

For a default in a Hundred of a Hue and Cry, the Inhabitants shall satisfie a moity of such Moneys as shall be recovered against the Hundred where the Robbery was committed.

It is necessary when that a Hue and Cry goe out, to make a true description of the Thieves, and of the things taken, and to search all places suspected and persons any way likely to be suspicious and to bring them before a Justice to be examined.

That man that shall raise a causeless Hue and Cry, shall be arrested as a publick disturber of the peace.

Of Jesuits and Seminary Priests.

WHen any Jesuit, Seminary Priest, or any within holy Orders shall land in any County in *England*, any Justice of that County, hearing of their landing, may within three dayes after send for them, and examine them concerning their submission, oath, or obedience to the King; or the reason of their comming over, according to the Statute provided concerning Religion, 27 *Eliz. ca.* 2.

When any such Priest is landed within the Kings Jurisdiction or Dominion, every one by the Law is bound to give notice to the next Justice or superior Officer within ten dayes after, upon pain of fine and imprisonment, and then the Justice or Officer is within 28 dayes after to signifie them to the Privy Council; the penalty is 200 *l.* 27 *Eliz. ca.* 2.

It is felony in any, to receive Jesuits or Seminary Priests, contrary to the Statutes 27 *Eliz. ca.* 2.

Any that are brought up in any Colledge of Jesuits or Seminary Priests, that shall arrive in *England* within six moneths after Proclamation made to that purpose, may within two dayes after their return take the Oath of Supremacy,

Supremacy, before any two Justices of Peace, being no Jesuits or Seminaries, 27 *Eliz. ca.* 2. 1 *Eliz. ca.* 2.

He that shall make a discovery of any Recusant, Seminary or Popish Priest to any Justice of Peace within three dayes, or of any Masse, to have been said, any being present, by whose information any shall be taken and convicted, he shall be freed from the danger of the offence, and have the third part of the forfeiture, 3 *Jac. ca.* 5.

Of Inditements.

AN Inditement is the Jurors verdict that is charged upon them, for to inquire of any offence presented to them.

In every Inditement there must be certainty contained, and therefore these things are requisite.

The name, surname, and addition of him that is indited.

The year, day and place where the offence was committed.

The persons name on whom the fact was committed.

The name and value of the thing taken.

The manner of the fact, and nature of the offence, as the manner of the treason, felony, or trespasse.

The Principals name must be contained in the Inditement of the Accessary.

No *alias dictus* shall make the Misnomer of an Inditement good.

It may be *cujusdam ignoti*, when the name of the offendor is not known, because the forfeiture is for the Kings advantage.

An Inditement that supposeth the fact done a day not come, is not good.

Where the stroke is one day and dyeth the next, the Inditement doth suppose the day he dyed.

If

If there be laid in the Inditement any certainty whereby the day and year may be known, it is sufficient.

Any offence done before midnight must suppose the day before; if it is after, the day after.

There needs not be put down the day and year where either that a Presentment or an Inditement is, that A. hath not cleansed such a Ditch.

That Inditement is not good that supposeth an offence done at two several times.

Of the certainty of the place.

ALL Inditements are void, if no place be named; or a place be named, and there be no such place, 18 *Hen.* 6. *ca.* 12. 9 *Hen:* 5. *ca.* 1.

If the blow or the poysoning be in the County and the death happen in another County, if the Inditement be in the County where death ensued it is good, 2 & 3 *Edw.* 6. *ca.* 24.

Of certainty of the Person to whom the Offence was done.

GOods taken in a mans life and he maketh his Executor and dieth, are called *Bona Testatoris.*

The Parson of a Church his Goods are called *Bona Rectoris.*

The Churches Goods are named *Bona Parochianorum in Custodia Gardianorum.*

If the Major dyeth before the Inditement, the Goods of the Maior and Comminalty may be called *Bona Communitatis*, yet *Quære*, because they have no such name of Corporation.

For Goods taken after a mans death are *Bona Testatoris in custodia Executorum.*

Goods hanging over a Tomb, *Bona Executoria*. A Gravestone, *Bona Ecclesiæ*.

Suppose I have Goods taken by a Trespasser, and taken from him again, the Inditement shall be *Bona* of him that hath the last possession.

You may say *Bona Capellæ in Custodia*, or *Bona Domus*, or *Ecclesiæ tempore vacationis*, it is good.

The name of the thing must be comprised.

In trespasse or felony *Bona & catalla* is not good: if the things be dead, it may be expressed by *Bona & Catalla*, but they must certainly be named.

If living there must be expressed the quality, as *Equum*, *Bovem*, *Ovem*, &c.

The value must be declared, that is may appear whether petty larceny or felony.

No Inditement of things that are *feræ naturæ*, as Deer, Hares, Partridges, Pheasant, or the like, is good; unlesse they were in a Park or Warren that hath Liberties.

For Charters their value cannot be esteemed.

If of living things, the Inditement must be of *precii*.

Of dead things in the singular number.

So of things that be by weight and measure.

Likewise of Coine not current.

In the taking of Doves in a Dove-house, or young Hawks in a Wood, there it must be *precii* or *ad valenciam*.

Coyn current carrieth its value with it.

You must name the fact and manner of the offence.

Of the nature of the Offence.

AN Inditement for Treason must have this word *Proditorié*, or else you may plead in abatement to the Writ.

An Inditement for Murder must have *murdravit*, and this word implyeth *ex malitia præcogitata*.

An

An Inditement for Burglary must have *Burglariter*.

For felony this word *felonicè*: So for petty Larceny.

In Rape *felonicè rapuit*. *Furatus* seemeth good without *felonice*.

In felony, *cepit* alone, or *abduxit*, or *asportavit*, is not good.

In trespasse or felony the words *contra pacem* must be used. In Forceable Entry, *Vi et armis* are needlesse.

Against a Statute, *Contra formam Statuti in hujusmodi casu editi & provisi*.

Where many Statutes concern one offence *Contra formam diversorum Statutorum*, &c.

Of Acquittall, and where one may be indicted for the same Offence again.

WHere an indictment was voyd for want of sufficient matter concerning felony.

Where the Triall was in a wrong County.

Where the parties names were mistaken.

When the Indictment first was as Principal, the second as Accessary to the same felony after the fact.

Where one shall not again be Indicted.

THough the Inditement be by another name, if known by both, if it suppose the same felony done in another yeer.

Where the Process were erroneous.

Inditement taken at the Sheriffs turn lawfully, must be taken by the Justices, and by them be recorded, 1 *Edw.* 4. *ca.* 2.

Unlesse there be two Justices one of the *Quorum*, no Inditement can be taken, or inquiry made.

An Inditement upon a penal Statute must be within

two

two years, where the King only must have the forfeiture.

In case of a common person one year only, except the Statute doth otherwise direct.

Where a Constable presents a fault that belongs to his Office, at the Sessions, and allowed by the Inquest, it is good, otherwise of no validity to ground an indictement upon.

Upon any penal Act a man may be indicted for the King.

A man shall be indicted of such a Village in *Parochia de N.* and not of the Village only, or of the Village in such a Parish, is sufficient.

Crompt. hath this observation, *Si sit de pecunia numerata, exprimere debet numerum & genus pecuniæ, si malè rudis, valorem; si formata, qualitatem & pretium; si de panno, colorem, pretium, & numerum ulnarum; si animal, genus, pilum & pretium: & quod felonice cepit illud contra pacem.*

Of Informations.

IT is not much material whether an Examination against a felon be upon Oath or not. *Lamb.* 213, 214, 215. *Crompt.* 194. 2. *nu.* 5 do best appove of it upon oath, and so do the Judges.

A Justice cannot warrant the taking out of Process against any at the information of a private person, unless where the Statute doth expressly warrant it, as the Statute of the 5 *Eliz. ca.* 4. of Labourers, the Statute of 5 *Eliz. ca.* 21.

Within two dayes after examination, such information as a Justice shall take against a felon must be put in writing by the Justice, 2 & 3 *P. & M. ca.* 10.

Where an information is various, as in the year and day against a felon, it is not to be credited.

He that shall bring a suspicious person, and will not inform,

inform, it is good to binde him over to give in evidence.

You may see the manner of a Recognizance against a Felon in *Lamb.* 214, 216.

It is not needfull to recite the Statute in an Information for the King, whereupon the Bill is framed.

Of Informers upon penal Statutes.

IF that any Informer shall compound any offence upon which he hath commenced any suit upon any penal Statute, without a licence, or the consent of some of the Courts at *Westminster*, forfeits 10 *l.* and to stand in the Pistory being convict thereof at the next Quarter Sessions, 27 *Eliz.* 10. 18 *Eliz. ca.* 5.

Upon penal Statutes all actions upon any offences must be brought in the County where it was committed: upon the plea of *Nil debet*, or *Non cul.* the Plaintiffe must prove the offence to be done in the County.

Unlesse the Informer will take his Oath that the offence was committed in the same County, within a year before the exhibiting of the Informarion, no Officer in any Court, shall receive, file, enter or record, any bill or information, 21 *Jac. ca.* 4.

Of Ingrossers.

THE Law terms an Ingrosser that contracts for the buying of Corn on the ground to sell again, or any dead victual: there is excepted in this Statute, those that buy Oats or Barly to make Oatmeal and Malt, Badgers, Drovers, not abusing their Licence and fortain Commodities, are likewise excepted, and Salt, 5 *Edw.* 6. *ca.* 14. 5 *Eliz.* 12. 13 *Eliz.* 25.

Of

Of Inholders.

THat Inne-keeper that takes any thing for his Jurry, or above a *ob.* in a Bushell for his Oats, above the Market-price, or excessively for Hay, loseth four times the value, 13 *Rich. ca.* 4. 21 *Jac. ca.* 21.

A Constable can compell an Inn-holder to lodge strangers.

That Inne-keeper shall incurre the penalty of the Statute 1 *Jac. ca.* 9. 1 *Car. ca.* 4. that shall suffer a Non-inhabitant to lye tipling in his house.

Within the Statute are all Inne-keepers, Taverners, and Ale-house-keepers. *Vide le Statute* 1 *Jac.* 9. 4 *Jac.* 5. 1 *Caroli* 4.

Of Inrolements.

AN Inrollment of Deeds of Bargain and sale, may be taken by one Justice with the Clerk of the peace, if the Land lye in the same County, and the fee is 1 *s.* a piece, of the Land not exceeding 40 *s. per ann.* if it do, 2 *s.* 6 *d.* a peece; if he take above he shall be fined, 27 *Hen.* 8. *ca.* 16.

Of Issues.

BY the Statute of the 27 *Eliz. ca.* 7. the Sheriff that gatherth other Issues then are estreated, forfeits 5 Marks, and the forfeiture of the Issues of Jurors must be levyed by the Records of execution, awarded by the Justice, 27 *Eliz. ca.* 7.

Of Judgements.

Judgements must be according to the Statute, where the Statute appoints the punishment.

Where the Justices gives judgement, and there be ambiguity in it, they must forbear till the Judges come; if they do proceed, the judgement is not voyd, but must be reversed. See in *Lamb.* the Commission it self, 568.

Judgement is to be taken and ransomed upon Riots, Trespasses and such other offences, where no forfeiture is set down.

Of Jurors, Juries, and who may be Jurors, and who not.

Jurors ought to be honest and legal men.

Jurors attainted in conspiracy, *Decies tantum*, perjury, and concealment, are not *probi homines*; their presentment is *ipso facto* voyd, unlesse there be twelve beside not blemished, outlawed, abjured, condemned in a *Præmunire*, attainted of treason, felony. Women, Infants under 14 years of age, Aliens, Clergy-men.

Jurors must inhabit in the County where they serve and have Free-hold of 40 *s. per Ann.* In Cities or Burroughs 40 *l.* in Goods.

Jurors for the trial of Indictments in the County Palatine of *Lancaster* must have 5 *l. per Ann.*

The Sheriff that returns a Juror 70 years old or decrepit, must serve if the Justices please: but then he hath his remedy to sue the Sheriff upon the Statute of *Westm.* or he may have his Writ *De non ponendo in Assisis & Juratis. Westm.* 2. *ca.* 38.

He that is exempted must shew the Sheriff his Charter with these words, *Licet tangit nos*, and upon appearance shall be discharged.

No

No exemption can discharge the want of sufficient Jurors.

It is no discretion in the Justices to suffer any, to be impannelled, to be allyed to any that procures the presentment, though the presentment is good.

Then to be renewed with a *Tales* from Sessions to Sessions, it is better to take a *Tales de Circumstantibus*, if the particular Juries of the Hundred cannot be supplyed by those of the Hundred. One Jury in one Hundred, may present the offence done in the other, and the Sheriff may be commanded by the Justices to alter the Pannel, and be refusing forfeits 20 *l.* 3 *Hen.* 8. *ca.* 12.

The Justices upon cause may remove a Jury-man. The presentments are voyd unlesse all the Jury-men be sworn, yet the Record being that all are sworn, the presentments are good, though all not sworn.

If a Jury be adjourned after swearing to another time, they may be sworn again; at the least there must be 12 Jurors, but there may be more: it is best to have them odd, yet if 12 do agree, the rest cannot deny it.

The Jurors upon an Inquiry shall not be kept without victual, nor committed to a keeper, nor carryed out of Town, yet they may be adjourned to another place to give up their verdict. The Jurors that conceal offences wilfully, and complained of by bill, may be complained of by those that cannot dispend above 40 *s. per Ann.* Such concealment must be so made within the year after, 3 *Hen.* 7. *ca.* 1. The Juror that discovers what they have done, shall be fined: and the Juror taking any thing to be favourable in the presentment, shall be imprisoned and ransomed, 5 *Edw.* 3. *ca.* 10, but none must be returned without his adition, 27. *Eli. ca.* 7.

Of the Justices of the Peace.

A Justice of Peace is a Judge of Record, and Justices of Peace were created as you may read in the 1 *Edw.* 3. *ca.* 15. He can take a Recognizance of the Peace, which none but a Judge of Record can doe.

When a Justice of Peace hath Jurisdiction of the Cause, his Warrant is not to be disputed by the Constable, neither is his Testimony: For in some cases it is greater then the Oath of 12 men, as in cases of Force, Riots, and Presentments of High-wayes.

He that shall officiate in the Office of a Justice of Peace before Oath taken shall be fined, he hath no power but in the County where he is Justice, and unlesse some Statute gives him power he hath none out of the County, or for some Record or matter of Peace or Felony. A Justice cannot execute his office concerning himself; yet, if he be assaulted, he may commit him to prison. And *Crompt.* saith, he may record a forceable Entry committed upon his owne possession, and commit the Offender.

A Justice may binde one to his good behaviour, that commanded to keep the Peace and answers he will not: he must proceed by Prescription and Statute; and he may examine upon Oath, where the Statute referres it to his discretion.

Except upon the Statute of Labourers, one Justice ought not to binde over to the Quarter Sessions for a fault committed against a Statute. And all Justices of Peace are conservators of Rivers in his Countrey.

The Judges of Assize or the Lord Chancellor *pro tempore*, have power to put the Justice out of Commission that gives not remedy to him that is grieved, in any case that may be heard, determined, and executed by him. 4 *Hen.* 7. *ca.* 12.

One

One Juſtice of Peace may command all between 15 & 16 years to be ſworn to the Peace, charge the Conſtable to arreſt all ſuſpected to be Robbers of men, Draw-latches, and Waſters; may make Hue and Cry, and Search to be made upon it by Officers after theefs and robberies; enjoyn Watches for ſuſpected perſons, Night-walkers, High-wayes to be enlarged, and two Conſtables to be choſe in every Hundred to forbid Fairs and Markets in Church-yards.

That Juſtice that ſhall take bond in his own name, and not in the Kings, touching the King, ſhall be impriſoned, 33 *Hen.* 8. *ca.* 39.

All Juſtices at their Seſſions are in equal authority, *vide Crompt.* 122. a. *nu.* 33. and muſt ſend their Priſoners to the common Gaole, 5 *Hen.* 4. *cap.* 10.

If a Felon be brought before a Juſtice of Peace, though it appear to him that he is not ſo, yet he cannot free him otherwiſe but that he muſt come to his triall, elſe it will be an eſcape in the Juſtice.

Where one is arreſted for ſuſpicion of the killing of a man, and after the Conſtable that arreſted him hath knowledge that he is guiltleſſe, and that it was out of malice, he cannot let him at liberty, but he muſt be delivered by due courſe of Law, yet in Felony it is otherwiſe. No Juſtice can command one to come before him out of the County where he is Juſtice.

A Juſtice of Peace may do theſe things Virtute Officii.

A Juſtice of Peace may give day to the party to bring in a Record that is before other Juſtices, that is pleaded by way of Juſtification, and may likewiſe record a Demurrer upon evidence.

A Juſtice upon a ſuppoſal that an Indictment may be

voyd, and have discharged the Prisoner, they may upon change of their opinions stay him any time before Judgment.

Justices of Peace cannot acquit Felons by Proclamation; if there be no prosecution, they are to be kept till the Justices of Gaole-delivery come.

Justices of Peace ought not to suffer the King to receive any prejudice if they may lawfully prevent it: And the Justice of Peace may take issue with one that, in the absence of the Kings Attorney, pleadeth a Pardon, that he is one of the parties excepted.

Where any Writ is grounded *contra pacem*, a Justice may enquire, as in the action upon the case, trespasse or deceipt, and of all manner of felonies at the Common Law, or given by any Statute, and all trespasses done against the Peace of the King.

Where a Justice shall plot or conspire with another to indict a stranger, he shall be punished as a stranger; but not for any thing done in Sessions by him as Judge.

If one Justice doth curb the other, he hath no remedy, because they are all fellow Justices, and are impowered alike, unlesse the King will remove him; but where there is an abuse either in words or actions, it seems the rest may binde him to the Peace.

The Statute concerning the wages of Knights of the Shire for Parliament-men, may be determined by a Writ of Enquiery for the King; or else they may bring their action. *Vide le Statute* 3 *Hen.* 6. *ca.* 11.

When a Justice of Peace justifies any thing as a Justice, he needs not shew his Commission, for that the *Custos Rotulorum* hath; and at the Assizes and Session, he is called by the Commission.

If a Record be in the hands of a Justice of Peace, and afterward he is discharged of his place, he cannot certifie the Record without a *Certiorari*, though he be afterwards made a Justice again.

Where

Where one abuſes a Juſtice, he may bring his action for himſelf, and indict him for the King.

A Juſtice of Peace ſhall not be puniſhed for any thing done in his place ignorantly but wilfully; neither ſhall he ſuffer for any buſineſſe he hath done *Judicialiter*, but the Officer.

One breaks the Peace within the view of a Juſtice of the Peace, and he certifies it into the Kings Bench; he ſhall be fined without traverſing of it.

A Juſtice of Peace that is of the *Quorum*, ought to be reſident in the County where he is Juſtice. A Juſtice of Peace was put out of Commiſſion for refuſing to take Surety for the Peace. *Crompt. Juriſdiction of Courts*, 3. b.

By the Statute of 15 *Rich.* 2. *ca.* 2. one Juſtice may Record a Forceable Detayner upon his view; but for a Riot or Rout there muſt be two Juſtices with the Sheriff, 13 *Hen.* 7. *ca.* 4.

A Juſtice upon a penalty by his Precept commands one to appear the next Seſſions, who makes default; there ſhall be no *Scire facias* then if there had been a *Subpena*, but the party ſhall be attached to anſwer his contempt next Seſſions.

If an aſſault be made in a Corporate Town the Juſtices of the County ſhall not meddle there; but at the Aſſizes it is otherwiſe.

Of Indictments and Proceſſe.

AN Indictment for information is but an accuſation or declaration againſt a man, and the end and intent thereof is to force him to anſwer, and Proceſſe hath his name from *Procedere* to proceed or goe forward either originally, or judicially: The Sheriffs and their Bailiffs did uſe to arreſt men in their Turns or Law-dayes, but by the Statute 1 *Edw.* 4. *ca.* 2. they loſt their power,

it was put into the hands of the Justice of Peace. The Processe upon Indictments are first a *Venire facias*, if the party be returned sufficient then a *Distringas*, and so infinite till he appear, but upon a *Nihil habet*, a *Capias alias pluries & exigent*; these are the ordinary Processes, (excepting Felony or greater Offences) as whether they be Trespasses against the Peace, or Contempts against the Peace, or Contempts against penal Lawes, unlesse otherwise provided by the Statute upon which the Indictment is grounded.

The Processe upon an Indictment of Felony or Treason, or counterfeiting Money is a *Capias* only. *Vide* 3 *Hen.* 5. 7. Neither is there any other Treason that a Justice of Peace hath power to award any Processes upon; the Processe at the common Law in felony was but one *Capias* and an *Exigent*; the old presidents, grounded themselves upon the Statute of the 25 of *Edw.* 3. *ca.* 14. do speak of two Writs before the *Exigent*; for that the Statute provideth, after the return of a *Non est inventus* upon the first *Capias*, a second *Capias* shall be awarded, whereby the Sheriff is commanded to seise the Goods and Chattels of the indicted, untill the return of the Writ, then if he come not, and a *Non est inventus* be returned, the *Exigent* shall be awarded, and the Chattels forfeited.

A Justice of Peace hath power to send into a forrain County, where before by the Common Law none could be attached upon an Indictment or Outlawry of Felony, but in the County where he was indicted; which did incourage many wicked men: whereupon the Statute 5 *Edw.* 3 *ca.* 11. was made, that Justices of Peace might send their Writs to any County in *England* where the Felons had hid themselves.

Indictments

Indictments of ſeveral kindes.

For ſtealing a Purſe with Money in it.

South. *Jur. pro Dom. Rege ſuper ſacram. ſuum, preſentant quod* J. D. *nuper de* B. *in Com. præd.* T. 6. *die* J. *Anno. Regni Dom. noſtri* Caroli *Secundi, Dei Gra.* Angl. Scot. Franc. *&* Hibern. *Regis, Fidei Defenſor. &c. xiii. apud* B. *predict. in Com. predict. in quodam loco vocat.* E. *vi & armis in quendam* R. R. *de* B. *predict.* G. S. *inſult. fecit et viginti ſolidos in Pecuniis numneratis in crumena ipſius* R. *adtunc at ibid. invent. de predicta crumena ipſius* R. R. *clam et inſcienter ab ipſo* R. R. *felonice cepit et aſportavit, contra pacem dict. Dom. Regis, Coronam, et dignitates ſuas.*

Againſt the ſtealer of a Horſe, and his after-Acceſſary.

S. *Jur. &c. preſentant quod* A. B. *nuper de* C. *in dicto Com. Gilder, 20 die Auguſti, Anno, &c. vi et armis, &c. quoddam ſtabulum in domo manſionali cujuſdam* D. *infra parochiam de* M. *in Com. pred. exiſtent fregit ac intravit. et unum Spadonem, Anglicè* a Gelding, *coloris albi, precii 6 li. de bonis et catallis ipſius* D. *tunc ib. exiſtent. invent. felonice furatus eſt, cepit et abduxit contra pacem, &c. Et quod* E. E. *nuper de* C. *predict. in com. predict.* H. *ſciens prefat.* B. *feloniam predictam apud* C. *predictam in Com. predict. modo et forma predict. feciſſe et perpetraſſe, idem tamen* A. B. *apud* C. *pred. in Com. predict.* 31 *die dict. Menſis Auguſti Anno ſupradicto in hoſpicium ſuum poſt feloniam commiſſam recepit, contra pacem, &c.*

For keeping an Ale-house without License.

S. *Jur. &c. presentant quod* A. B. *de* C. *in Com. pred.* Yeoman *6 die* Novem. *Anno.* &c. *continue multis diebus postea, scil. usq; primum diem* Decemb. *prox. sequen. apud* C. *predict. obstinate et ex authoritate propria, et sine ulla Justic. pacis dict. Dom. Regis admissione aut collatione, assumpsit super se custodire, et custodivit unam communem Tabernam, Anglicè* a common Tipling house, *et ibid. dicto sexto die et diversis diebus tum postea custodivit et publice cervisiam et potum vendidit, Anglicè* Beer and Ale, *diversis dicti Dom. Regis ligeis et subditis, contra formam Statuti,* &c.

Against a common Barettor.

South. *Jur.* &c. *presentant quod* A.B. *de* &c. *in Com. predicto* T. 2 *die* Oct. *Anno,* &c. *apud* C. *predict. in Com. predicto, fuit et adhuc est communis Barrettator, et Pacis Dom. Regis perturbator assiduus et publicus, nec non communis et turbulentus calumniator et pugnator et litium inter vicinos suos seminator, adeo ut diversas lites et controversias adtunc et ibid. et alibi in eodem Com. inter diversos dicti Dom. Regis ligeos et subditos movit et excitavit, in magnam Pacis dict. Dom. Regis perturbationem, ac contra formam diversorum Statutorum hujus Regni* Angl. *in hujusm. casu edit. et provis.*

For taking of Conies in a free Warren in the Night

South. *Jur. &c. presentant quod* J. D. *nuper de* A. *in predicto* T. *primo die.* Oct. *Anno, &c. vi et armis &c. baculis, arcubus, et sagittis, ac aliis Armis defensivis, Parcum*

cum ſeu liberam Warrenam predict. R. *apud.* A. *predict. in Com. predicto, circam horam decimam in nocte ejuſdem diei fregit et intravit, et in eodem Parco ſive libera Warrena cuniculos et lepores retibus illicitis, vocat.* Purſe-nts, *ſine licentia dict.* Rich. *venabat. et* 40 *cuniculos precii* 13 *s.* 4 *d. de bonis et catallis ipſius* Ric. *adtunc et ibid. invent. cepit et aſportavit, ad grave dampn. ipſius* A. *et contra pacem, &c.*

For taking a Diſtreſſe contrary to the Statute.

South. *Jur. &c preſentant quod quidam* A. B. *de* C. *in com. predicto,* Yeo. *primo die* Sept. *Anno, &c. apud* S. *predict. in Com. predicto duas vaccas de bonis et catallis cujuſdam* R. S. *de predict. in Com. predict. Gen. et quinque ſolidis in pecuniis numeratis irrationabiliter et expreſſive diſtrin. et pro diſtrictione cepit ſibi tempore diſtrictionis et captionis predict. quarum quælibet predictarum vaccarum precium capitis eorum non valet viginti ſolidis, in contempt. dict. Dom. Regis, et contra formam Statuti, &c.*

For Burglary in a dwelling houſe.

South. *Jur. &c. preſentant quod* J. D. *nuper de* H. *in Com. predicto.* Labourer, *primo die* Julii, *Anno, &c. vi et armis domum manſionalem cujuſdam* R. R. *Gen. noctanter, videl. intra horas nonam et duodecimam poſt meridiem ejuſdem diei, felonice et burglariter fregit et intravit, et quadraginta libras in pecuniis numeratis de bonis et catallis predict.* R. R. *in quadam Ciſta in domo predicta adtunc et ibid. invent. felonice cepit et aſportavit, contra pacem, &c.*

For

For ingroſſing of Barley, to ſell again.

South. *Jur. &c. preſentant quod* A. B. *de* C. *in Com. predicto, Yeoman, primo die* Novemb. *Anno &c. apud* C. *predict. in Com. predicto, ac diverſis aliis diebus et vicibus, tam antea quam poſtea, diverſa grana, videl.* 40 *quarteria Hordei, &c. ad valenc. &c. emit et groſſavit, et in manibus ſuis tenuit, ea intentione ad revendend. grana predicta, contra formam Statuti, &c.*

For the decay of a Bridge over the Kings High-way.

South. ff. *Jur. &c. preſentant quod Pons publicus et communis, ſitus in alta Regia via, ſuper flumen de* M. *infra Parochiam de* A. *in Com predicto, vulgarit. dict.* A. *eſt, et, per aliquos annos jam proxelapſos, fuit valde ruinoſus et in maximo decaſu ob defectum reparationis, adeo ut ſubditi Domini Regis in, ſuper, trans, vel ultra pontem predictum, per ſe cum equis vel carriagiis redire aut tranſire ſine magno vitæ diſcrimine non audent aut poſſunt, ad commune nocumentum omnium vicinorum in dicto Com.* S. *habitant. quorum intereſt ratione negotiorum ſuorum illac tranſire. Et quia prorſus neſcitur quæ perſona quæve terra vel tenement. eundem pontem aut aliquam inde parcell. facere debeat, aut ex antiqua conſuetudine reficere et reparare debeat aut conſuevit, Precept. fuit Vic. quod venire fac. duodecem, &c.*

For uſing more Trades then one.

South. ff. *Jur. &c. preſentant quod quidam* T. D. *de* E. *in Com.* S. *predict* Baker *alias dictus* T. D. *de* E. *predict.* Miller, *à ſecundo die* Junii, *Anno. Regni, &c.*

nono

vono, usq; primum diem Augusti, *Anno, &c. tam artem Molendarii quam Pistoris panis humani apud* E. *predict. in Com predicto continuavit, usus fuit, et exercuit, in magnum Dom. Regis contempt. et contra formam Statuti, &c.*

For erecting a Cottage.

S. ff. *Jur. &c. presentant quod* A. B. *de* C. *&c.* 20 *die* Aug. *Anno, &c. apud* D. *in Com. predicto, fecit edificavit et erexit unum Cottagium pro habitatione ubi revera dictus* A. *nunquam assignavit aut adjecit eidem Cottagio* 4 *acras terræ secundum formam Statuti sive de terra admensurand. vel computand. de libero tenemento ipsius* D. *vel ex hereditate sua jacent. prope idem Cottagium una cum dicto Cottagio continue occupand. contra formam Statuti, &c.*

For Inmates.

S. ff. *Jur. &c. presentant quod* J. D. *nuper de* W. *in Com. predicto* T. 11 *die* Martii *Anno, &c. locavit, Anglice* hath placed, *quosdam* R. R. *et* J. B. *subtenentes, Anglice* Inmates, *in quodam Cottagio ipsius* J. D. *in* C. *predict. et predictos* R. R. *et* J. B. *sic ut prefertur locat. ibid. a predicto* 11 *die* Martii *Anno supradict. &c. et continue postea usque diem captionis hujus inquisitionis, videl. per spacium unius mensis integri & amplius in Cottagio predicto voluntarie permisit, Anglice* hath wilfully suffered, *contra formam Statuti, &c.*

For Battery and Maheym.

S. ff. *Jur. &c. presentant quod* J. D. *nuper de &c. primo die* Augusti, *Anno, &c. vi et armis &c. quoddam clausum cujusdam* R. R. *apud* E. *predict. in Com. predict. fregit et intravit, et in dict.* R. R. *tunc ibid. in pace Dei et dict.*

dict. Dom. Regis existen. insult. et affraiam fecit, et cum uno gladio valoris quinque solidorum, quod dictus J. D. *tunc et ibid. in dextra manu sua tenuit, eundem* R. R. *crudeliter vulneravit ac dextrum pollicem dict.* R. R. *uno ictu tunc et ibid. amputavit ac eundem* R. *nequiter et felonice tunc et ibid. mahemavit, ad grave nocumentum ipsius* R. R. *ac contra pacem, &c.*

For stealing a Hog.

S. ff. Jur. *&c. presentant quod* J. S. *nuper de* A. *in Com. predicto* T. *primo die* Jan. *Anno, &c. apud* C. *predict. in Com. predicto, vi et armis, &c. clausum et domum cujusdam* A. B. *de* C. *in Com. pred. fregit et intravit, et unum Porcum coloris* Red speckled, *pretii decem solidorum, de bonis et catallis ipsius* A. B. *ad tunc et ibid. invent. felonice furatus est, cepit, et abduxit, contra pacem, &c.*

For Robbing by the High-way.

S. ff. Jur. *&c. presentavit, quod, ubi* A. B. *&c. in pace Dei et dict. Dom. Regis in Regia via in Parochia de* C. *in Com. predicto fuit, venit quidam* J. S. *&c. felonice; et ut Felo Dom. Regis in predict.* A. B. *insult. fecit, et ipsum adtunc et ibid. verberavit, vulneravit, et male tractavit: Ita quod,* &c. *Et* 20 s. *in pecuniis numeratis de bonis et catallis ipsius* A. B. *circum ipsum* A. B. *adtunc et ibid. invent. existent. felonice furatus est, cepit, et asportavit, contra pacem,* &c.

For

For keeping Hounds contrary to the Statute.

S. ff. *Jur. &c. preſentant quod quidam* J. S. *nuper de* C. *in Com. predict.*, Labourer, *non habens terr. nec tenementa feod. officia ſeu Annuitat. ad valenc.* 40 *s. per Ann. ult. repriſos tenet et ſervat Canes venaticos et Leporarios, et iidem uſi ſunt venari in diverſis partibus juxta* E. *predict. videl. apud predict.* E. B. *et alibi in dicto Com.* S. *et Lepores et alia animalia venand. cepit contra pacem, et contra formam Statuti, &c.*

For breaking a Barn.

S. ff. *Jur. &c. preſentant quod* J. S. *de* C. *in Com. predicto*, Labourer, *tali die et anno, horreum cujuſdam* J. C. *de* E. *in Com. predicto*, Yeoman, *fregit et intravit, et quatuor modios Hordei, Anglice* 4 Buſhels of Barley, *ad valenc.* 20 *s. de bonis et catallis cujuſdam* J. C. *adtunc et ibid. invent. felonice cepit et aſportavit. contra pacem, &c.*

For breaking a Houſe in the day time.

S. ff. *Jur. pro Dom. Rege preſentant quod* J. D. *nuper de* C. *in Com predicto*, Yeoman, *primo die* Julii, *Anno, &c. apud* C. *predict. in Com. predict. circa horam tertiam poſt meridiem ejuſdem dici, domum manſionalem cujuſdam* J. B. *de* C. *predict. in Com. predicto*, Gen. *fregit et intravit, et decem libras in pecuniis numeratis in quadam Ciſta tunc et ibid. exiſtent. de bonis et catallis ipſius* J. B. *apud* C. *predict. in Com. predict. adtunc et ibid. invent. felonice furatus eſt, cepit et aſportavit, contra pacem, &c.*

For

For a Riot.

S. ff. *Jur. &c. presentant quod* A. B. *nuper de* M. *in Com. predicto,* Yeoman, *aggregatis sibi quamplur. malefactoribus et pacis dict. Dom Regis perturbatoribus ignotis, ad numerum, &c. apud* S. *in Com predict Riotose et Routose se illicite congregat. et tunc & ibid. in* J. *et* W. *ad ipsos interficiend. insult. fecer. et ipsos* R. *et* W. *tunc et ibid. verberaver. vulneraver. et male tractaver: Ita quod de vitis suis desperabatur, contra pacem, &c. et contra formam Statuti. &c.*

For a Rescous.

S. ff. *Jur. &c. presentant quod* J. *et* S. *de* N. *in Com. predicto* Yeoman, *die et Anno, &c. apud* N. *predict in Com. predicto, vi et armis, in et super* J. D. *et adtunc et ibid. insult. fecerunt, 4 Vaccas quas in et super terram suam dampn. faciend. cepisset, et secundum consuetudinem Villæ predict. ibid. imparcari voluisset ab eodem* J. D. *riotose ceperunt et abinde contra voluntatem ipsius* J. D. *abduxerunt, contra pacem, &c.*

For shooting in a Hand-gun, contrary to the Statute.

S. ff. *Jur. &c. presentant quod quidam* A. B. *&c. non habens terr. nec tenem. feod. sive Annuitat. ad usum suum propr. annui valoris* C. l. *tali die et Anno, &c. apud* E. *predict in Com. predict sagittavit in quodam tormento, Anglice* a Hand-gun, *contra formam Statuti, &c.*

Against

Againſt a Brewer for ſelling of Beer to an unlicenſed Alehouſe-keeper.

S. ſſ. *Jur &c. preſentant quod* T. R. *nuper de* M. *in Com. predict.* Beer-brewer, *primo die* Auguſti, *Anno, &c. apud* C. *in Com predict. vendidit et deliberavit cuidam* T. B. *de* C. *predict. qui tunc vendidit potum Lupulatum tanquam communis Tabernator, Anglice* a common Ale-houſe-keeper. *eodem* T. B. *non habente aliquam Licenciam in robore ad vendend. Cerviciam vel Potum lupulatum, ſex Barrellas Poti Lupulati, Anglice* Beer and Alelas *contra formam Statuti, &c.*

For a Forceable Entry and Detayner.

S. ſſ. *Jur. &c. preſent. quod* A. B. C. *et* D. *&c. primo die* Maii, *et Anno, &c. vi et armis, &c. illicite et manu forti apud* S. *in Com. predict. unum Meſſuagium et duas acras terre cum pertin. adtunc in et ſuper poſſeſſionem cujuſdam* J. S. *exiſten. pro termino annorum tunc et adhuc ventur. adtunc et ibid. intraver. et ingreſſum fecerunt, et ipſum* J. S. *à poſſeſſione ſua predicta inde adtunc et ibid. vi et armis illicite et manu forti expulit et ejecit à predicto primo die* Maii, *anno ſupradicto, uſq; &c. de predicto Meſſuagio, &c. cum pertin. vi et armis illicite et manu forti extratenuer. et adhuc extraten. in dict. Dom. Regis contempt. ad grave dampn. &c. et contra pacem, &c.*

Againſt a Conſtable for Arrearages.

S. ſſ. *Jur. &c. quod* A. C. *de* D. *exiſten. Conſtabularius Dom. Regis de* S. *in Com. predicto in et pro Anno Dom.* 1636. *non ſolvit pecuniam debit. per inhabitantes Hundredi predicti per quem ipſe per formam Statuti inde*

previſi

provisi persolvere debuit Chiriis patrocii Com. predicti, Anglice the County Stock, *pro militibus mutilatis, Anglice* maimed Souldiers, *pro Banco Regis et Mariscalsea, ac pro Gaola et domo correctionis, videl. &c. pro quarterio unius Anni finit. ad Festum, &c. Anno regni, &c. iisdem terris sic ut prefertur debit. contra formam Statuti, &c.*

For false Measures.

S. ff. *Jur. &c. presentant quod* A. B. Limeburner, *tali die et Anno, diversis diebus et vicibus tam antea quam postea apud* D. *usus est quadam falsa mensura, videl. uno corbo, et uno modio pretend. quod idem Corbus continebat in se unum plenum modium, ubi revera idem Corbus multo minor est quam Standard. Dom. Regis. Ac quod idem* A. *per eandem falsam mensuram infra primum diem* Maii, *Anno, &c. et diem, &c. vendidit diversis Dom. Regis subditis in modiis falsis, contra formam Statuti, &c.*

For fishing in anothers water.

S. ff. *Jur. &c. presentant quod* T. C. *de* E. *in Com predicto, et* A. W. *de predict.* T. 20. *die* April. *Anno, &c. clausum cujusdam* R. B. *apud* C. *in Com. predicto, fregit et intravit, et in separali Piscaria sua rivulo ibid. Piscar. et piscem inde, videl.* (recite the Fishes) *ipsius* D. *ad valenc. &c. cepit et asportavit, et alia enormia ei intulit, ad grave dampn. &c. et contra pacem, &c.*

For Extortion in an Office.

S. ff. *Jur. &c. presentant quod* T. W. *de* F. Yeoman *Ballivus Hundredi de S. in Com. predicto, 6 die* Jan. *Anno, &c. apud* L. *in Com. predicto, 20 s. colore Officii sui extorsive et injuste adtunc et ibid. de* G. P. *de* L. *predict. cepit,*

cepit, ad grave dampn. ipsius G. contra Leges et Statuta hujus Regni Angl. *ac contra pacem, &c.*

For not obeying a Justices Warrant.

S. ff. *Jur &c. presentant quod* E. W. *de* P. *in Com. predicto, Yeoman, 20 die* Martii, *Anno &c. pro* W. B. *de* P. *predict. Yeoman, capt. fuit pro Warrant. F. Arm. unius Justic. dict. Dom. Regis ad Pacem in Com. predicto conservand. nec non ad diversas felonias, transgr. et alia malefacta, in eodem Com. perpetrat. audiend. et terminand. assignat. sibi direct. ad ducend. predict.* E. *coram prefat.* T. F. *Arm. aut alio Justic. dict. Dom. Regis ad pacem, ad inveniend. sufficientem securitatem pro bona gestura, et ad comparend. ad prox. Sessionem Pacis tenend. apud* M. *tunc prox. sequen. pro Com. predict. Predictus tamen* W. B. *tunc Decimarius ibid. existens, minime curans et perpendens custodiam predicti* E. *eundem* E. *tam negligenter custodivit quod idem* E. *à custodia dict.* W. *ad largum quo voluit recessit et escapiavit, contra pacem, &c.*

For not comming to Church.

S. ff. *Jur. &c. presentant quod* W. P. *de* C. *in Com. predict. Vidua, existens ætatis 21 Annorum et amplius infra quatuor menses prox. ante 5 diem* Junii, *Anno, &c. non accesserat, Anglice* did not repair, *ad suam Ecclesiam Parochialem de* C. *predict. nec ad aliquam aliam Capellam, vel locum usualem communis Precationis, absq; aliqua bona vel rationabili excusatione fore absens abstinuit per totum tempus predict. contra formam Statuti, &c.*

For using unlawll Games.

S. ff. *Jur &c. presentant quod* E. W. *de* S. *in Com. predict. vid. primo die* Novemb. *Anno, &c. vi et*

Armis apud L *predict. in Com. predict. in domo ſua ibid. cuſtod. et manutenet Ludos illicitos, Anglice* Cards, *ac diverſas perſonas malæ geſturæ et diſpoſitionis inhoneſtæ ad Ludos illicitos predict. exercend. adtunc et ibid. hoſpitavit et manutenet, contra pacem, &c.*

For digging in the Kings High-way.

S. ff. *Jur. &c. preſentant quod* H. T. *de* S. *in Com. predict.* Yeoman, *Vi et armis, &c. in Regia Via ducent.* A. F. *uſq;* C. *juxta locum ibid. vocat.* K *fodit, et quandam foveam in Regia via predicta fecit in latitudine quinque pedum valde nocuam et periculoſam; Ita quod ſubditi Dom. Regis, ut antea uſi fuerunt, ire aut equitare nequeant, in magnum nocumentum diverſorum dict. Dom. Regis ſubdit. ac contra pacem, &c.*

For Murder.

S. ff. *Jur &c. preſentant quod* J. B. *nuper de* B. *in Com. predict.* H. 20 *die* Apr. *Anno &c. apud* E. *in Com. predicto, Vi et armis, videl. gladiis, baculis, et aliis armis nocivis, ex malicia præcogitata, timorem Dei præ oculis non habens, in quendam* J. D. *nuper de* S. *in Com. predicto* L. *adtunc et ibid. in pace Dei et dict. Dom. Regis inſult. fecit, et ipſum* J. D. *cum quodam gladio precii quinq; ſolid. quem adtunc tenuit in manu ſua, ſuper latus ſuum ſiniſtrum, prope cor ſuum felonice percuſſit, et eidem* J. D. *adtunc et ibid. mortalem plagam dedit; de qua quidem plaga idem* J. D. *adtunc et ibid. inſtanter moriebatur. Et ſic idem* J. B. *adtunc et ibid. modo et forma felonice interfecit et murdravit, contra pacem. &c.*

For

For ſtealing Lead from a Pariſh Church.

S. ſſ. *Jur. &c. preſentan quod* J. G. *nuper de* H. *in Com. predicto*, Maſon, 20 *die* Marcii. *Anno, &c. Vi et armis apud* C. *in Com. predicto*, 229 *li plumbi ad valenc.* 30 s. *tunc exiſtent. fixi ſuper Eccleſiam Parochialem de* C. *predict. à predicta Eccleſia Parochiali de* C. *predict. in Com. predict. adtunc et ibid. invent. divulſit, cepit, et aſportavit, contra pacem, &c.*

For a Rape.

S. ſſ. *Jur. &c. preſentant quod* S. F. *nuper de* S. *in Com. predicto* A. 10 *die* Aprilis, *Anno, &c. vi et armis apud.* S. *predict in Com. predicto, in quandam* S. G. *puellam ætatis decem annorum in pace Dei et dict. Dom. Regis tunc exiſten. inſult. fecit, et adtunc et ibid. eandem* S. *felonice contra voluntatem ipſius* S. *rapuit, carnaliter cognovit, ac nequiter abuſus eſt, contra Pacem, &c.*

For taking Wooll from the Sheeps backs.

S. ſſ. *Jurat. &c. preſentant quod* N. H. *nuper de* O. *in Com. predict.* L. 13 *die* Mail, *Anno, &c. Clauſum cujuſdam* H. C. *apud* C. *predict. in Com. predict. fregit et intravit, ac lanam* 4 *Ovium valoris* 3 s. *de bonis et catallis* H. C. *apud* O. *predict. in Com. predict. à corporibus Ovium predict. expilavit; et ipſam lanam ſic evulſam, felonice cepit et aſportavit, contra pacem, &c.*

Of Rebellion.

S. ſ. *Jurat. &c. preſentant quod* W. L. *nuper de* P. *in Com.* M. *Yeoman*; G. B. *nuper de eadem &c. ac quamplur. alii falſi proditores, Rebelles, et inimici ignoti Dom. Regis ex aſſenſu voluntatis, et propoſito diverſorum aliorum falſorum proditorum et inimicorum Dom. Regis, videl.* L. *nuper Comitis* W. *et* J. *nuper Comitis* K. *qui nuper authoritate Parliamenti dict. Regis apud* Weſtm. *ult. tent. de diverſis proditionibus verſus dictum Regem infra Regnum* Angl. *factis convict. et attinct. exiſtent. quarto die Martii et die* Mercurii, *et diebus Sabbati et Dominicæ prox. poſt. Feſtum* Pentecoſtis, *et diverſis diebus antea et poſtea, Anno, &c. apud* P. *in Com. predicto, inſimul ſe congregaverunt, et inter ſe communicaverunt quomodo ipſi per prefat.* J. *nuper Comitem* W. *et complices ſuos cum eis adtunc et ibid. ſuper mare in navibus ſuis (ut falſi proditores) exiſtent. per nimiam poteſtat. predict.* J. *nuper Comitis* W. *ac prefat. Comitis* K. *et aliorum falſorum proditorum et inimicorum Dom. Regis de eorum Covina et falſo propoſito exiſtent. uſque Regnum* Angl. *potuerant producere, et dictum Dom. Regem et Dominos ſuos tam ſpirituales quam temporales per totum poſſe ſuum ipſum Regem de Regia poteſtate ſua, et gubernatione Regni predicti penitus poteſtatem penitus deprivare, et gubernationem Regni predicti ſuper ſe accipere et retinere, per ponentes credebat que adtunc et ibid. predict.* W. G. *et alii falſi proditores et Rebelles predict. maxima pars totius Regni* Angl. *cum eiſdem falſis proditoribus in falſis opinionibus ſuis ſtare voluiſſet, et ad illum falſum et nefandum propoſitum ſuum finaliter perimplend. predict.* W. *et* G. *et alii falſi* Proditores *et* Rebelles, *dictis die et Anno, apud* P. *predict. vi et armis, ſcil. Gladiis, Arcubus, Sagittis, Loricis, Duploidibus defenſivis, et aliis Armaturis, &c. inſurrexerunt, et predictum* S. *nuper Comitem in Cibis*

et

et Potubus erga Dom. Regem falso et proditorie comfortaverunt, auxiliaver. et supportaverunt, et iisdem nuper Comitibus in manibus suis predictis (at falsi Proditores) ad proditoria sua proposita predict. perimplend. et perficiend. inierunt et permanserunt, scientes ipsos nuper Comites in forma predicta sic attinct. et convict. in finalem destructionem dict. Dom. Regis ac contra Legantiam, &c.

For stealing Sheep.

S. ſſ. THe Jury, &c. preſent that *J. G.* late of *E.* in the Connty aforeſaid *L.* 20 day of *June*, in the year, &c. by force of Arms at *E.* aforeſaid, 4 Ewe-Sheep, price 20 *s.* of the Goods and Chattels of *J. D.* then and there found, feloniouſly did ſteal, take and drive away, contrary to the peace, &c.

For beating a Childe with Rods, till ſhe dyed.

S. ſſ. THe Jury, &c. preſent that *M. B.* late of *D.* in the County aforeſaid *L.* the 1 day of *Auguſt*, in the yeer, &c. at *H.* aforeſaid in the County aforeſaid, one *W. E.* being in the Peace of God, and of our Soveraign Lord the King did aſſault, and the ſaid *W.* then and there feloniouſly with rods did whip, and then and there upon the belly of the ſaid *W.* did tread, giving to the ſaid *W.* divers mortal wounds, of which wounds the ſaid *W.* from the firſt day of *Auguſt* to the firſt day of *January* following did languiſh, which aforeſaid firſt of *January* the aforeſaid *W.* at *D.* aforeſaid, dyed of the wounds aforeſaid, and ſo the aforeſaid Jury do preſent that the aforeſaid *M.* the day and yeer aforeſaid, at *D.* aforeſaid, in the ſaid County in manner and form aforeſaid, did feloniouſly kill againſt the peace, &c.

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For ſtealing of Geeſe and againſt the Receiver.

S. ſſ. THe Jury, &c. preſent that *R. H.* late of *K.* in the County aforeſaid *L.* the 6 day of *June*, in the year aforeſaid, with force and Arms at *K.* aforeſaid in the ſaid County, two Geeſe, price 2 *s.* of the Goods and Chattels of *A. T.* then and there found, feloniouſly did ſteal, take and carry away againſt the Peace, &c. And furthermore the Jury preſent that one *J. S. de K.* aforeſaid, Hemp-dreſſer, knowing the ſaid *R. H.* the felony aforeſaid to have committed in form aforeſaid, to wit, the ſaid 6 day of *Jan.* in the yeer aforeſaid at *K.* aforeſaid, in the County aforeſaid, the ſaid *R. H.* with the ſaid two Geeſe did feloniouſly receive and conceal; againſt the peace, &c.

For breaking into a Mill, and ſtealing Money and Wheat.

S. ſſ. THe Jury &c. preſent that *J. D.* of *N.* in the County aforeſaid *M.* 1 day of *A.* in the year &c. with force and Arms, the Mill of one *N. R.* in *N.* aforeſaid in the County aforeſaid did break and enter, and 5 *s.* in ready Money, and one buſhel of Wheat, to the value of 3 *s.* of the Goods, Chattels and moneys of the ſaid *N. R.* then and there in the ſaid Mill being found, feloniouſly did ſteal, take and carry away; againſt the peace, &c.

For uſing the Trade of a Pewterer and not being Apprentice to it.

S. ſſ. THE Jury, &c. preſent that *N. B.* late of *C.* in the County aforeſaid *L.* the 1 day of *Feb.* in the yeer, &c. and divers other dayes and times, continually and

and afterwards, to wit 11 Moneths and more, at *C.* aforesaid in the County aforesaid, unlawfully and for gain set up and used the Art, Mystery, or occupation of a Pewterer, being an Art Mystery or menial Occupation used in this Kingdom, to the 12. day of *Jan.* next following, in the yeer, &c. Which Art or Mystery the said *N.B.* as an Apprentice was never by the space of 7 years bred or brought up in, in the contempt of our said Soveraign Lord the King, and against the form of the Statute, &c.

For breaking a House and Close.

S. *ff.* THe Jury, &c. present that *R. H.* late of S. in the County aforesaid, *Yeo.* 20 day of *Oct.* in the yeer, &c. with force and arms, the Close and house of one *T. B.* at *S.* aforesaid in the County aforesaid did break, and other wrongs to him did offer, to the great damage of the said *T.* and against the peace, &c.

For keeping ill Government in his Inne.

S. *ff.* THe Jury, &c. present that *E. W.* late of *W.* in the County aforesaid *J.* 20 day of *May*, in the yeer, &c. at *W.* aforesaid in the County aforesaid, hath kept a Common Inne, and the aforesaid 20 day of *M.* in the said year, and two dayes then afterwards, suffered ill government in his house, and did entertain at unlawfull hours, divers suspected persons of ill fame, and willingly permitted and entertained them to the disturbance of his neighbours and to the evil example of the Kings Liege people and against the peace, &c.

For bewitching of Cattle.

S. *ff.* THe Jury, &c. present that *J. H.* late of *H.* in the County aforesaid, Widow, 1 *Jan.* in the

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yeer, &c. and divers other dayes, as well before as afterwards, certain Witchcraft and Charms at *H.* aforesaid in the said County, in, upon, and against a certain Gelding, price 4 *l.* and 50 Weathers, price 10 *l.* of the Goods and Chattels of one *J. T.* maliciously and devilishly exercised and practised; by which the said Gelding and Weathers dyed at *H.* aforesaid, in the said County: against the Peace &c. and against the statute, &c.

For letting Cattle goe in the High way.

S. ff. THe Jury present that *F. F.* late of, &c. 1 *Jan.* in the yeer, &c. and divers other dayes and times as well before as after, at *L.* aforesaid, hath voluntarily permitted and yet doth permit his Cattle to go and feed in the Kings High-way, by which the young plants of his neighbours hedges are eatten up, and likewise are trodden and spoiled to the great damage of the Kings Liege people next inhabiting, and against the peace, &c.

For killing a man by Witchcraft.

S. ff. THe Jury, &c. present that *S. B.* late of *C.* in the County aforesaid, Widow. 20 day of *August*, in the year aforesaid, hath used and exercised certain detestable Arts called *Witchcraft*, feloniously, against *J. N.* the day and year aforesaid to the said 24 day of *August* in the year aforesaid, by which diabolical Arts the aforesaid *J. N.* the said 24 dav of *August* in the year aforesaid at *C.* aforesaid dyed, so the Jury present that the said *S.* the aforesaid *J. N.* at *C.* aforesaid in manner and form aforesaid of malice prepensed, devillishly, and feloniously by the said Arts hath killed, against the Peace, &c. and against the Statute, &c.

For

For fighting in a Church-yard.

S. ff. THe Jury, &c. preſent that *J. S.* late of *F.* in the County aforeſaid Taylor, the 8 day of *Sept.* in the year aforeſaid, in the Church-yard of the Pariſh Church of *L.* aforeſaid, in the ſaid County, did draw his Dagger againſt one *J. S.* of *L.* aforeſaid, Yeoman, with an intent to kill the aforeſaid *J. S.* with the ſaid Dagger, againſt the peace, &c. and againſt the form of the Statute, &c.

For Burglary in a Church.

S. ff. THe Jury, &c. preſent that *A. B.* late of *C.* in the County aforeſaid, Salter, 1 day of *Sept.* in the yeer, &c. with force and arms, the Pariſh Church of *C.* aforeſaid, in the ſaid County, *felonicè, et burglariter.* did break and enter in the night, between the hours of ten and twelve after noon of the ſame day; and one Challice called the Communion-Cup to the value of 60 *s.* of the Goods and Chattels of the Pariſhioners of *C.* aforeſaid then being in the ſaid Church, and then and there found, felonioufly did take and carry away, againſt the peace, &c.

For pulling out ones eyes.

S ff. THe Jury, &c. preſent that *A. B.* late of *C.* in the County, aforeſaid, Tinker, 9 day of *Sept.* in the yeer, &c. in a certain place at *C.* aforeſaid, in the County aforeſaid, with force and Arms one *D. E.* of *C.* aforeſaid, in the ſaid County, Yeoman, being then in the peace of God and our Soveraign Lord the King, did aſſault and beat, and then and there of malice forethought, with his nails the eyes of the ſaid *D. E.* did digge out, againſt the

the peace, &c. and againſt the form of the Statute, &c.

For burning a houſe by day with Gunpowder.

S. ſſ. THe Jury, &c. preſent that *A. B.* late of *C.* in the County aforeſaid, victualler, 8 day of *July*, in the year, &c. to the Manſion houſe of *E. F.* of *C.* aforeſaid, in the ſaid County, with force and Arms, between the hours of 6 and 7 before noon of the ſaid day, came and with one pound of Gunpowder to the value of 12 *d.* and a lighted Faggot which then the ſaid *A. B.* then and there in his hands did take, and of malice forethought to the houſe of the ſaid *E. F.* did put, whereby the houſe of the ſaid *E. F.* ſuddainly was conſumed and burnt, the ſaid *E. F.* being then and there in the peace of God and our Soverain Lord the King, and ſo the aforeſaid *A. B.* the ſaid 8 day of *July*, in the yeer, &c. at *C.* aforeſaid, the Manſion houſe of *E.* aforeſaid, in form aforeſaid, voluntarily and of the ſaid malice forethought, felonioufly did burn and conſume; againſt the peace, &c.

Againſt a Servant that ſtealeth his Maſters Goods, committed to his cuſtody.

S. ſſ. THe Jury, &c. preſent that whereas *A. B.* late of *C.* in the County aforeſaid, *Mercer*, the day and yeer, &c. in the Manſion houſe of the ſaid *A. B.* at *C.* aforeſaid in the County aforeſaid, had delivered to one *E. F.* of *C.* in the ſaid County &c. then his Servant retained for one yeer, being of 19 years of age, 10 *l.* in ready Money, of the Goods of the ſaid *A. B.* to this intent, that the ſaid *E. F.* ſhould ſafely keep it, to the uſe of the ſaid *A. B.* then his Maſter: the ſaid *E. F.* the day and year aboveſaid, at *C.* aforeſaid, in the County aforeſaid, maliciouſly and felonioufly with the ſaid 10 *l.*

from

from his ſaid Maſter departed and run away, with an intention to ſteal the ſaid 10 *l.* contrary to the truſt repoſed in him by the ſaid *A. B.* his Maſter, and againſt the peace, &c. and contrary to the Statute, &c.

For a Nuſance in a Garden.

S. ſſ. THe Jury, &c. preſent that *J. T.* late of *W.* in the County aforeſaid, *Yeo* the day and year, &c. his Chamber-pot out of his windowes in and upon the Garden of one *S. D.* at *W.* aforeſaid, did empty, to the great annoyance of the ſaid *S.* and againſt the peace, &c.

For breaking Priſon.

S. ſſ. THe Jury, &c. preſent that *W. A.* in the County aforeſaid, Gent. one of the Conſtables of our Soveraign Lord the King, 20 day of *Sept.* in the yeer, &c. at *T.* in the County aforeſaid, did commit one *A. B.* for ſuſpition of a certain felony, to wit, for the death of one *M. N.* at *H.* in the County aforeſaid, which the ſaid *A. B.* felonioufly did murther; and for that cauſe the ſaid *A. B.* under the cuſtody of the ſaid *W. A.* the Conſtable, in the priſon of our Soveraign Lord the King, at *T.* aforeſaid, in the County aforeſaid, afterwards, to wit, the ſaid 20 of *Septem.* in the year &c. And the ſaid *A. B.* then and there being detained, afterwards, the aforeſaid day and yeer, at *C.* aforeſaid, in the ſaid County, with force and Arms the ſaid priſon felonioufly did break, and out of the cuſtody of the Conſtable, then and there againſt his will eſcaped; againſt the peace, &c. and contrary to the form of the Statute, &c.

Upon

Upon the Statute of Uſury.

S. *ff.* THe Jury, &c. preſent that *A. B.* late of *C.* in the County, &c. Mercer, the day and yeer, &c. at *C.* aforeſaid, in the County, &c. did lend to one *D. E.* of *C.* aforeſaid, in the County, &c. Shoo-maker, 20 *l.* in ready Money, of the Moneys of the ſaid *A. B.* with intention that the ſaid *D. E.* ſhould reſtore and pay to the ſaid *A. B.* the ſaid 20 *l.* 1 *Apr.* then next following, the ſaid *A. B.* then and there unjuſtly took and had of the ſaid *D. E.* 26 *s.* for the gain and uſe of the ſaid 20 *l.* of the ſaid *D. E.* from the ſaid 1 of *Octob.* in the yeer, &c. untill the ſaid 1 of *April* next coming, which ſaid 26 *s.* in manner and form aforeſaid, did much exceed the rate of 6 *l.* in the C *l.* for one years lending, to the great damage of the ſaid *D. E.* and againſt the form of the Statute, &c.

For beating a Conſtable in the execution of his Office.

S. *ff.* THe Jury, &c. preſent that whereas *T. H.* being Conſtable of *D.* in the County, &c. the day and yeer, &c. by vertue of a Warrant to him directed from *J. R.* Eſq; one of the Kings Juſtices for the County, &c. at *T.* had taken and arreſted one *W. T.* of *T.* in the ſaid County, Yeo. and him by verme of the ſaid Warr. in his cuſtody had then and there detayned, notwithſtanding the ſaid *W. T.* the day and year aforeſaid, at *T.* &c. in the County, &c. the ſaid *T. H.* being Conſtable, and in the execution of his Office did aſſault, wound, beat and evilly intreat, ſo that he deſpaired of his health in the contempt of our Lord the King, the evil example of all his Liege people, and againſt the peace, &c.

Vide

Vide plus, de Indictamentis in Fitzherberts *Juſtice of Peace.*

Of Labourers and Servants.

ONe Juſtice of peace may licenſe Labourers to go into other Counteties in Hay and Harveſt-time, being under his hand and ſeal.

Thoſe that be fit to be Apprentices one Juſtices of peace may upon complaint compell them to be bound, and upon refuſal may commit them to the houſe of correction till they be willing, being poor mens children.

One Juſtice may compell all perſons meet, to labour by the day in Harveſt-time, and impriſon the refuſers in the Stocks for two dayes and one night; and the Conſtable refuſing forfeits 40 *s.* 5 *Eliz.* 4.

Where there is a complaint of the Apprentice in his ill uſage of his Maſter, one Juſtice may binde him over to the next Quarter Seſſions, whereof 4 Juſtices one of the *Quorum*, may diſcharge the Apprentice: and if there be a default in the Servant, he ſhall be ſent to the houſe of correction, 7 *Jac. ca.* 4.

A Servant retained by the Statute, one Juſtice may allow of the cauſe of putting him away, or a departure within his term: but an Apprentice muſt be diſcharged by four Juſtices in open Seſſions, 5 *Eliz. ca.* 5. and one may ſend his Warrant to apprehend one that is going away, or ſend him to the houſe of correction.

That Servant that ſhall depart before his term be ended, upon complaint to two Juſtices, and cauſe allowed by one of them, or elſe at the end of his time without a quarters warning given, or hath refuſed to ſerve for wages according to the Statute, or promiſed to ſerve accordingly and doth not, they may examine the matter, and may commit without bayl them that are faulty,

till

til he be bound to ſerve; but then he ſhall be diſcharged without any fee to the Gaoler.

Either the Servant or Maſter that taketh greater or giveth leſſe wages then the Statute allowes, the Maſter may be impriſoned for 10 dayes without bayl, the Servant 21 dayes, and the Maſter loſeth 5 *l. per.* 5 *Eliz. ca.* 4.

Any retayner or promiſe of payment for wages contrary to the Statute, is *ipſo facto* voyd unleſſe it be in writing, 5 *Eliz.* 4.

That Servant that ſhall make any aſſault upon his Maſter, or any other that ſhall ſet him at work, proved by his confeſſion or oath of two witneſſes, two Juſtices may impriſon him for a yeer or leſſe, as he thinks fit; or the Juſtices at Seſſions may inflict any other puniſhment upon him, or binde him to the good behaviour, and ſo to the next Seſſions.

One woman unmarryed, fitting to ſerve, may be compelled, being 12 yeers, and under 40 yeers, either by the year, week or day, for ſuch wages as two Juſtices ſhall think fit; and refuſing may be committed, till ſhe be bound.

In theſe Trades any Retayner to ſerve for leſſe then the year, is voyd, as Weaver, Tucker, Fuller, Butcher, Cook, Sheerman, Dyer, Hoſier, Brewer, Glover, Cutler, Smith, Farrier, Currier, Sadler, Spurrier, Turner, Capper, Hat-maker, Felt-maker, Bowyer, Fletcher, 5 *Eliz. ca.* 4.

None ſhall diſturb, let, interrupt, or deny any of theſe Trades following, the work-men being born within the Realm, or any Denizen in any of the ſaid Crafts, in any City, Burrough or Town Corporate, with any that will retain him or them, though he do not inhabit there, or be Freeman, upon pain of 5 *l.* the one moity to the King, the other to the informer, 5 *Edw.* 6. *ca.* 15. as the Trade of a Plummer, Tyle-maker, Brick-maker, Lime-burner, Glaſier, Pavier, Sawyer, Joyner, Playſterer,

Playſterer, Brick-layer, Maſon, Carpenter.

In any of the above recited Trades any unmarried or under 30 years and marryed, may be compelled to ſerve, or impriſoned till they doe, upon the requeſt of any, by the Statute, 5 *Eliz. ca.* 4. Except they are lawfully retained with others, or have 40 *s. per Ann.* in Lands, or 40 *l.* in Goods, or Farm in Tillage. *Vide Lamb.* 473.

None ſhall receive any retained in husbandry into any other Town or Pariſh, upon pain of 5 *l.* and he or ſhe that ſhall depart without a teſtimonial, the penalty is 21 dayes impriſonment, to be whipped: and Labourers not working ſo many hours in the day, loſe 1 *d.* an hour, 5 *Eliz. ca.* 4. Servants falling ſick in ſervice, or not able in body to work, the Maſter ſhall not put them away, or abate their wages

It is impriſonment for a moneth, and forfeiture of 5 *l.* if he that begins a work with any, departs before it be finiſhed, 5 *Eliz. ca.* 4. And the forfeiture is 10 *l.* for any to take an Apprentice contrary to Law, or uſing any myſtery not being or not having been an Apprentice, 5 *Eliz.* 4.

The Juſtices of Peace may award a *Capias* returnable before themſelves againſt any ſervant that is departed into the County where he is now reſident, though not Juſtices in that County, being Juſtices in the County where before he ſerved, 5 *Eli. ca.* 4. and the ſufficiency of the occaſion of the Maſters putting his Servant off, or Servants departure within his term, muſt be proved at the Quarter Seſſions.

He that retains a Servant, not being able to keep one, ſuch retainer is voyd: And that Servant that ſhall imbezzle or ſpoyl the Goods of his deceaſed Maſter, and appears not after proclamation in the King Bench, it is felony, but not inquirable before the Juſtices, 33 *Hen.* 6. *ca.* 1.

Where one is retained in husbandry, not expreſſing any

time, it ſhall be a yeer according to the Statute: Where one retaineth a Servant for 40 dayes, and another, him for a yeer, the firſt is voyd, 5 *Eliz. ca.* 4. And there muſt be ſome cauſe allowed by a Juſtice, or the Servants own agreement; or the Maſter cannot diſcharge him.

None can take an Apprentice but by writing, and therefore he cannot be diſcharged but by writing, *Quo quid colligitur, eodem modo diſſolvitur.*

The Law allowes that ſervant that ſhall be put away from his Maſter, wages anſwerable to the time he ſerved, if no cauſe to the contrary on the Servants part, but it muſt be by the help of a Juſtice: but if the ſervaint depart of his own accord from his ſervice, he loſeth his wages.

That Maſter that ſhall detain meat, drink, or wages, from his Servant is a good cauſe of departure, allowed by a Juſtice: and likewiſe that Servant that refuſeth his work or ſervice, is in Law a departure though he ſtay with his Maſter ſtill: and a woman marryed after retainer, muſt ſerve out her time.

He that is a ſervant to another in husbandry, Artificer or Victualler, that ſhall carry Sword, Dagger, or other weapon, hath forfeited the ſame; unleſſe it be for defence of the Realm, or that he is going with or about his Maſters buſineſſe, 12 *Rich.* 2. *ca.* 6.

The children of poor people, by any two Juſtices of peace with the conſent of the Church-wardens, and Overſeers, may be bound Apprentices: the man-childe till 24 yeers, and woman till 21. 39 *Eliz. ca.* 3. 43 *Eliz. ca.* 2.

To make good a retayner of a Servant not according to the Statute muſt be by Indenture: and a retainer according to the Statute, and no wages ſpoken of, ſhall have wages as the proclamation ſpeaks: and retainer upon condition is good, or without, expreſſing in what office, and a retainer for life is good; but a retainer for a

yeer

yeer to serve when he shall be required, not good.

The Law makes this construction, that as soon as he or she are retayned they are presently in service though they come not into their Masters service indeed.

If the Master die, the Executor must pay the Servants wages, according to the Statutes except it be otherwise by Indenture.

Of Larceny.

LArceny is defined to be the felonious taking another's goods, severed from his person without his will.

Larceny is divided into Grand and Petty Larceny.

Grand, is where any taken, is taken above the value of 12 *d.* and the punishment is death.

Petty, is when the goods taken is under 12 *d.* and the punishment is left to the Judges discretion, and forfeits his goods; and if there be sundry petty Laceniel amounting to above 12 *d.* it is death.

If there be many that have committed petty Larceny, and found guilty above the value of 12 *d.* it is death in them, felony being in Law several, as they were in act.

What in Law amounts to Larceny.

HE that shall carry away the Plate given him to drink in.

He that shall convert any Goods feloniously to his own use, being imployed to carry them to one place, and carries them to another.

Where a Servant being no Apprentice hath Goods of his Masters in his custody the value of 40 *s.* and runs away with them.

Where goods are brought to a Carryer by the owner, for him to carry, and he converts them to his own use, or when that I shall deliver my key of my Chamber door

man, and he opens the doore and takes away my Goods: or he that shall lie in an Inne, and takes away any of the Goods in the Chamber, with an intent to steal them, and is taken in the house.

Where a Carrier imbezzles part of the goods delivered to him, or a servant carryes away his Masters Goods that are delivered by his fellow servant, to the value of 40 *s.* and converts them to his own use.

Or where Cloth is delivered to the servant by the Master, and he makes him Cloaths thereof, and goeth away with it; or one taken in the manner of stealing a horse, and is taken before he can get him out of the Stable.

Yet the Husband shall not be punished for his wives theft, not knowing of it; or if he doe, declining her, and leaves his house.

In what Cases it shall not be Larceny.

IT amounts to Larceny where Goods are pawned to one, and he makes use himself of them, or when one is hired to carry goods to one place, and he carries them to another, and converts them to his use; or where Goods or a Bond is delivered to one, and he receives the Money, or sels the Good and runs away with the Money; or where a wife steals Goods her husband being in company, or by his command: yet *Quere* if it be not by his compulsion. *Vide Lamb.* 282. or where she steals the Goods of her husbands, and gives them to another that knoweth thereof, it is Larceny in neither.

Where an Infant, Mad-man, Lunatick, or *Non Compos mentis*, deaf or dumb, stealeth.

It is not Larceny in a Receiver that goes away with his Masters Rents, nor in a Servant that hath a horse delivered him by his Master to go to a Fair or Market; or Money delivered to buy Corn or Cattel, and he goes away

away with it, *Quære*, if not felony by Statute.

Or where Money is delivered to me to deliver to a third person, and the receiver first flyes away with it, and then converts it.

Or where a Clothier delivers Wooll to his Spinner who doth imbezzle or sell it; or where I deliver Goods to another to keep, who wastes and consumes them, these are no Larcenies. *Vide Dalt.* 264.

Of Leather.

IF any Butcher shall cut and gash the hide of any Ox, Bull, Steer or Cow, so that the hide is impaired, loseth 20 *d.* or shall put to sale any hide that is rotten, or shall water a hide unlesse in *June*, *July*, or *August*, forfeits for every hide 3 *s.* 4 *d.* 1 *Jac.* 22. No Butcher shall use the Craft or Mystery of a Tanner; if he do, he forfeits for every day he useth it 6 *s.* 8 *d. per idem Statut.* Or if a Tanner uses the art of a Shoo-maker, Currier, Butcher, or any other Artificer that useth the cutting or working of Leather, loseth the hides and skins tanned, *ibid.*

If any forestall any hides that shall come to Market (except those that kill for the provision of their house) shall forfeit 6 *s.* 8 *d.* 12 *Jac.* 22. Neither shall any buy tanned Leather wrought, but such as will convert it into made Wares, except Girdlers or Sadlers, upon losse of their Leather, 1 *Jac.* 22.

The Tanner shall lose the hides, who shall raise with any mixtures any hides to be converted to backs, bend-leather, clouting-leather, or any other sole-leather, except the same be sufficient for the use, 1 *Jac.* 22.

The Tanner that shall put to sale any insufficient Leather not well wrought, tanned, and dryed, and so found by the Tryers appointed, loseth that which is insufficient, *Statut. ubi supra.*

The Tanner that lets his Fats in Tan-hills, or in

places where the Woozes or Leather may ſuffer hearts, forfeits 10 *l.* and three dayes to ſtand in the Pillory, 1 *Jac.* 22.

The Tanner that uſeth in tanning only Aſh-bark, Oak-bark, Tapwort, Malt, Meal, Lime, Culverding or Hen-dung, or ſuffering any hide to lie in the tan-limes till it be overlimed, or puts any hides into tan-fats before the lime be wrought out of them, or hath let his leather to be frozen or parched with fire or Sun, or tanned rotten hides, or hath not ſuffered the hides for ſole-leather to lie 12 moneths, and the upper leather 9 moneths, or not well wrought the hides in the woozes, or not renewed them as oft as need, or ſold leather not according to the Statute, loſeth the hides, or the value of them 1 *Jac.* ca. 22.

Any that puts to ſale any tanned leather unwrought, in open Fair or Market, not firſt ſearched, or marked and ſealed according to the Statute, loſeth for every hide or piece of Leather 6 *s.* 8 *d.* for every 12 Calf skins, or Sheep-skins 3 *s.* 4 *d.* and the hides and skins, or the value, 1 *Jac.* ca. 22.

A Currier that curricth any leather but in his own houſe being in a Market Town, or curried any Leather not well tanned or not throughly dryed, or uſed being wet any deceitfull means to corrupt the ſame, or curried ſole-leather with other than hard tallow, or leſſe thereof then the leather will take, or upper leather or inner ſole-leather but with good ſtuffe, not ſalt, or not liquored them well, or ſhaved them too thin, or gaſhed them, or not ſufficiently wrought them, loſeth 6 *s.* 8 *d.* and the value of every skin except gaſhing in ſhaving, and for ſuch gaſhing as much as the leather is impaired, 1 *Jac.* ca. 22.

That Currier that uſeth the Art of a Tanner, Shoomaker, Butcher, or Artificer that uſeth the cutting of leather, whileſt he uſeth Currying, forfeits 6 *s.* 8 *d.* a hide.

The Currier that ſhall refuſe to curry any leather within 8 dayes in Sumnier, and 16 dayes in Winter, that ſhall be brought by any Shoo-maker, or other cutter of Leather, bringing good ſtuffe for the liquoring the ſame, forfeits for every hide 10 *s.*

The Shoo-maker that makes any Boots, Shoos, Slippers or Pantofles, that makes them of *Engliſh* leather wet, curried (unleſſe Deer, Calves, or Goats Skins dreſſed like *Spaniſh* leather) but of leather well tanned, or curried, and well ſewed with threed well twiſted, waxed, and roſined, without mixing Neats and Calves leather in the over-leather thereof, or puts into Boots or Shoos, any leather made of Sheep-skins, Bull-hide or Horſe-hide, or into the upper leather of any Boots, Shooes, &c. any of the flank, ſhank, neckpole or cheek, either in three ſoles or double ſoled Shooes, other then the flank of any the ſaid hides; or ſold between the laſt of *Sept.* and the 20 of *April*, any Shooes, Boots, &c. for any above four yeers old, wherein there hath been any dry *Engliſh* leather, unleſſe Calves, or Goats-skins, dreſſed like *Spaniſh* leather, or ſold any ware on Sunday, the forfeiture is 3 *s.* 4 *d.* and the value. 1 *Jac. ca.* 22.

All Lords of Fairs or Markets ſhall yeerly ſwear two or three honeſt, able men, ſearchers and ſealers of leathers, and 6 honeſt and expert men to be tryers of the ſaid leather, or elſe loſeth 40 *l.* and ſuch tryers failing in their duty, forfeit 5 *l.* for every default.

The ſearchers or ſealers, refuſing to ſeal good leather, or ſealing bad, forfeit 40 *s.* Taking bribes or extorting any thing undue; the forfeiture for every offence is 20 *l.* Refuſing the office being duely choſen, 10 *l.*

He that refuſeth to let the ſearcher to come into any place to ſearch his tanned leather, and to carry away that which is not ſufficient, or put away any red and unwrought, not regiſtring he ſame and the price, forfeits the value, 1 *Jac.* 22.

Of Court Leets.

ANy that shall make any Fray in a Court-Leet whilest the Steward is in the execution of his office, he may commit him, but cannot grant Surety of the Peace, but by prescription.

Of Liberties and Franchises.

THose are nominated Liberties and Franchises that have return of Writs; not such as are Countyes of themselves, as *London*, *York*, or *Norwich*; but such Towns whose Grants are from the Kings Justices of Peace, so as no other Justice can meddle, 2 & 3 *P. & M. ca.* 18.

The Liberty shal have their remedy against that Justice that executes his power within any Liberties; yet the executing his authority is good, not being a County. *Vide Lamb.* 471.

Of Libellers.

A Libell that any shall find against any private person, must either presently be delivered to the Magistrate, or burned.

The Law calls that a Libell that is a Scandalous writing, either by Epigram, Book, Ballad, or Rhyme; or by Scandalous words, as Scoffs, jests, taunts, or songs; or it may be by the hanging up pictures, or reproachfull signs, in or neer the place where the party that is reproached goes, or doth most converse, as on the Gallowes, Pillory, Horns, Cooking-stool, or the like; *Vide Coke* 5. *part, fol.* 125.

Of

Of Licenses.

SO as poor people be provided of relief, and begge not, two Justices may license them to travel to the Baths, or any other place, for cure for their diseases, 39 *Eliz. ca.* 4. 1 *Jac. ca.* 25.

The said Statute allowes not any to wander or begge, be he never so poor, but being not able to work the Parish must maintain him; for no Justice can give him a License, 39 *Eliz. ca.* 4.

Where any are convicted for the abuse of a License to transport Victual, the punishment is imprisonment without bayl or Mainprize, for a yeer, 1 & 2 *P. & M. ca.* 5.

The Licenses for Badgers, Drovers, Laders or Kidders, must be in open Sessions, by three Justices, one of the *Quorum*, and be renewed yearly. *Vide* 5 & 6 *Edw.* 6. *ca.* 14. 5 *Eliz. ca.* 12.

Where any person hath suffered shipwrack, the next Justice where he shall land, must give a testimonial to such persons, of the landing; that they may have license to go to the next place of their birth or habitation, limiting them a convenient time for their travel, 39 *Eliz. ca.* 4. 39 *Eliz. ca.* 17. 1 *Jac. ca.* 25.

Of Linnen Cloth.

HE that shall use any deceipt in linnen Cloth, as tucking, bearing, casting any liquor whereby it is made worse and useless, forfeits the Cloth, and shall have imprisonment for a moneth, and be fined as the Justices shall think fit, 1 *Eliz. ca.* 12.

Of Logwood or Blackwood.

THose that have offended against this Statute, the Justice being informed may call the parties before him by Warrant, and examine them by Oath, and finding the Offence, either binde them over to the next Assizes or Quarter Sessions, there to be adjudged to forfeit 20*l.* stand in the Pillory one or more market dayes, and refusing to be bound committed to the next Gaol til he will be bound, 39 *Eliz. ca.* 11.

Where any Logwood shall be found two Justices may cause it to be burned, 23 *Eliz. ca.* 9.

Of Long-bowes.

WHosoever shall shoot at standing Pricks above the age of 24 years, under eleven score yards, with Prick-Shafts, or flight, forfeits 6*s.* 8*d.* 33 *Hen.* 8. *ca.* 9.

Of Masons.

MAsons that shall gather themselves in Chapters, or Companies, it is felony, 3 *Hen.* 6. *ca.* 1.

Of Maintenance and Embracery.

HE that shall maintain and embrace any Jury enquiring of a Riot, forfeits 20*l.* and is to be committed to prison as long as the Justices shall think fit, 19 *Hen.* 7.

All those shall be bound to the good behaviour, that are embracers of Juries and maintainers of quarrels, 33. *Hen.* 8. *ca.* 10. 37 *Hen.* 8. *ca.* 7.

This is Maintenance in the Law, where a man giveth

or

or delivereth to another, be he either Plaintiff or Defendant, in any action any thing to maintaine his plea, or useth his best endeavour for him, having nothing to do therein.

The Justices shall with the Sheriff sit to certifie the names of the Riotous maintainers and Embraceries of Witnesses and Juries with their misdemeanours which they know, by which the Riot may appear, upon the forfeiture of 20 *l.* to every one not having a sufficient excuse. 19 *Hen.* 7. *ca.* 13.

None but men learned in the Law must speak in the causes of their Clients: for it is Embracery in him when a case is in triall between party and party, that cometh to the barre to labour with the Jury, having received some reward, or stands by to surveigh or overlook them, to put them in fear or doubt of the cause.

Of a Maim.

A Maim is, If an eye be put out, or the fore teeth broken out, or any thing in a mans body be hurt, whereby he is lesse able to defend himself, and offend his enemy; as if a bone be taken out of the head; or a foot, hand, finger or joynt, it become useless, or by some wound or cutt, any member is made crooked or shrinks; the Law does adjudge this to be a Maim, he and his Accessaries shall be grievously fined. *Vide the Terms of the Law.*

The Justices of the Kings Bench may make the Triall by their view or inspection, and there upon encrease the dammages and so cannot the Justices of Peace upon an Indictment of Maim.

In case of doubt whether it be a Maim or no, the Justices of Peace may crave the aid and assistance of some skilfull Chirurgion or Physitian to have their opinion and consideration of it *Vide the terms of the Law*; and the Indictment of Maheim must be, *felonicè mahemavit.*

Of

Of Malt.

MAlt made, not according to the Statute, any Constable or Bayliff finding the default, with the advice of a Justice of Peace within the Shire, may cause the same to be sold at reasonable prices, under the common price of the Market, as they shall think fit. *Vid* 2 & 3 *Edw.* 6. *ca.* 16, 17. 27. *Eliz. ca.* 14. 21 *Jac. ca.* 8.

In open Sessions the Justices may restrain the converting of Barley into Malt, 39 *Eliz. ca.* 16.

He shall lose 20 *d.* for every quarter, that shall not let his Malt be three weeks in the Fatt, and on the Floore, steeping and drying; except in the monethes of *June*, *July*, and *August*, then 17 dayes. 2 & 3 *Edw.* 6. *ca.* 16. 27 *Eliz. ca.* 4.

Nor shall any sell any Malt that is insufficient with good *Vide ut supra.*

Neither shall any man sell or put to sale any Malt not well trodden, and out of which for every quarter one peek of dust hath not been winnowed out, *ibid.*

Where two Justices of Peace shall commit to prison any that have been restrayned for making Malt in open Sessions, being by two witnesses convicted, and shall commit him to prison without Bayl or Mainprise, for three dayes, untill he become bound in 40 *l.* to perform such restriction. 39 *Eliz. ca.* 16.

Of Mariners.

THe next Justices of Peace may license any Mariner from beyond the Seas, or Seafaring men, having suffered shipwrack, being in wane, to ask in his travels to his habitation 1 *Jac. ca.* 29.

The King by his Commission cannot take a Fisherman for a mariner, unlesse the two Justices of peace choose him

him from whence he is taken, 5 *Eliz.* 5.

It is felony in any Mariner to forge a teſtimonial, and carrying it, knowing it to be ſo 39 *Eliz. ca.* 4. & *ca.* 27. 1 *Jac. ca.* 7.

It is felony in any Mariner to depart from his Captain without licenſe, or wandring idly with a forged one, knowing thereof, 30 *Eliz.* 17.

When any poor Souldier or Mariner comes from beyond Sea, and hath repaired to the place of his birth or laſt abode, and there cannot get work; the two Juſtices next adjoyning may take order to ſet him on work: and for want of work there, may tax the Hundred for his relief, till work can be had, 39 *Eliz. ca.* 17.

It is felony in any Mariner that hath not a teſtimonial under ſome Juſtices hands, of, or neer the place of his landing, ſetting down the time, and place he goes to, and the time for his journey: though he exceed that time 14 dayes, if he have a teſtimonial and purſue it, he may ask and take ſuch neceſſary relief as is given him.

Of Markets.

HE that hath a Fair or Market, if he do not appoint an open place for the ſale of Horſes, Mares, Foles, Geldings, &c yearly, and one that ſhall Tole for them, who ſhall continue there from ten in the morning untill Sun-ſet, forfeits 40 *s.* for every dayes default, 2 & 3 *P. & M. ca.* 4.

There is no property altered of any Goods or rights in horſes, if they be not ſold in ſuch places, as is commonly uſed for ſuch things of that nature, *Vide Dalt.* 74.

If the buyer knowes it is, anothers goods, the ſale in Fair or Market doth not alter the property.

Of Marriages.

IT is felony in any person, that having his or her former husband alive, to marry another, unless they have either of them been beyond Sea, and not heard of each other in 7 years, or absent out of the Kings dominions seven years, not knowing one the other to be living, or were lawfully divorced, or the former Marriage in the Ecclesiastical Court published voyd, or married within years of consent, 1 *Jac. ca.* 11. There shall be no corruption of bloud, losse of Dower, or any Heir disinherited in this case.

Of Masse.

HE that shall sing Masse, forfeits 200 Marks, and a yeers imprisonment: He that shall hear it, forfeits 100 Marks, and the same imprisonment.

Of false Messages.

TWo Justices one of the *Quorum*, may imprison or binde over to the next Sessions, any that counterfeits Letters, or useth false tokens for the getting of Moneys or Goods into their hands. *Vide.* 33 *Hen.* 8. *ca.* 1.

Of Misprision of Treason.

HE that knowes any to have committed treason, though not consenting, yet the concealing it, is Misprison of treason in him; and he ought to discover it to the King or his Comncel, or some publick Magistrate, *Stamford* 37.

It was taken to be Misprision of Treason, in a Minister

ſter that had fixed an old Seal to a new Patent for Non-reſidency. *Vide Terms of the Law*, 131.

He that ſhall bring Money out of any forrain Country, or out of *Ireland*, knowing it to be counterfeit, with intent to utter it here in *England*, it is Miſpriſion of Treaſon, 3 *Hen.* 7. 10.

A Juſtice ſitting in Judgement, to draw a ſword at or before him is Miſpriſion of treaſon: To ſtrike a Juror, the Judge ſitting in Judgement. *Brooks Contempts.* 9 *Fitzherb.* 174.

To either draw a weapon, or ſtrike in *Weſtminſter-hall*, any of the Kings Courts ſitting, *Dyer.* 180. *Fitzherb.* 280.

To draw any weapon with an intent to ſtrike any one in the preſence of the Juſtices, or make any quarrell. *Bro. Pain* 16. *Stamf.* 38 or to make a Reſcous of any ſuch offender.

For any to ſtrike in the Kings Court or houſe, the King being then there: And in this caſe a judgement was given againſt an Offender in *Anno* 33 *Hen.* 8. But now the Law is by the 33 *Hen.* 8. *ca.* 12. that ſuch an Offender, though he draw blood in the Kings Court, he ſhall forfeit neither his lands nor goods, but loſe his right hand, be impriſoned during life, and fine at the Kings pleaſure.

When one is arreſted at the Kings ſuit, a ſtranger Reſcouſes him, and ſo eſcapes; it is Miſpriſion of treaſon in both, the Juſtices arreſt in Law being the Kings.

All treaſon and Felony includes Miſpriſion of treaſon, ſo that he that hath committed either, may be indicted of but miſpriſion of treaſon.

For miſpriſion of treaſon the forfeiture is Goods and Chattels, and profits of Lands during life, and impriſonment likewiſe for miſpriſion of felony, onely fined and committed by the Juſtices, till he hath paid his fine. *Brook Treaſon* 25. *Finch lib.* 2.

All Treasons, misprision of Treason, and concealment, done out of the Kingdome shall be tryed within the Kingdom, either in the Kings Bench or before Commissioners specially appointed, as you may see, *Dyer* 287. 298. *Coke* 7 *part* 23. 11. *part* 83. 5 *Edw.* 6. *ca.* 11.

Of a Mittimus.

Mittimus must contain the names of the parties, their offences, and time of imprisonment, that it may appear whether the prisoner be baylable or not.

If one be committed without bayl or mainprise, and the cause is expressed in the *Mittimus*, and yet is baylable, other Justices of the peace may bayl him: yet *Quære*, seeing their authority is equal.

Of Murder.

THe Law thus defines and construes Murder, that it is, When a man, upon malice prepensed or forethought, kills another feloniously, whether it be openly or privily. 23 *Hen.* 8. *ca.* 1. 1 *Edw.* 6. *ca.* 12. And the killing shall have relation to the death, and not to the stroke. *Coke* 4 *part.* 42.

There is a Malice expressed, as when it is manifest that there was a falling out between them formerly, or a lying in wait to kill another.

Malice implyed, when one is suddainly slain without any defence, as one kills the other without any provocation, or is stabbed not having a weapon drawn, 1 *Jac.* *ca.* 8. or to kill one that is an Officer known, in the execution of the Kings Writs.

Or if an unknown Officer be slain, shewing his warrant; or if he have a warrant though erronious and killed in the execution, it is murder: for he is not to dispute the authority, but execute it.

If

If any Magiſtrate ſhall be killed in the execution of his place, or in the preſervation of his Majeſties Peace, it is murther.

Where any Officer comes to ſuppreſſe any riotous Aſſembly, or a tumultuous Congregation, one is ſlain amongſt them, it is murther in them all.

Where a true man ſhall be killed by a Thief, this the Law doth ad judge malice prepenſed, and ſo is conſequently murther: Likewiſe where a Conſtable with others, comes to aid in the parting any Affray, that are ready to break the peace one is ſlain, although ſudainly and in the night, it is murther.

One took her infant and hid it in an Orchard, and a bird of prey came and killed it; or one carryed one on his back out of his ſick bed into the air, that he dyed; or he that keeps a Bull or any other beaſt that uſeth to ſtrike, and he kills a man: it is murther. Here the will of the party ſhall be taken for the fact, for their intent was to deſtroy.

One tied another to a horſe-tail, and then beat him, and the horſe running away with the fright, killed the the man; ad judged murther, 4 *Car.*

Where any hath ſentence of condemnation to die, and a ſtranger kills him, it is murther. One having malice againſt another, aſſaults him, and flies to a pale, ditch or hedge, and then kills the other, this is murther in him; for he killed him in the purſuit of the ſame malice.

If I command one to beat a man, and he beats him till he kills him, it is murther in the beater, and the other that commanded it, if ſtand by. A Priſoner by extremity, and the hard uſage of the Gaoler, died; and it was ad judged murther in the Gaoler.

Where many aſſemble to commit an illegal act, and one is ſlain, it is murther in all, though they ſtood by, and not aſſiſted, and although not preſent, yet if upon the ſame ground, or in the houſe: for all aiders, comfor-

ters

ters or abetters, are principals in murther.

Where two appoint the field to fight, and meet, and bring company with them, one kills the other; all that came with the murtherer or murthered, are murtherers.

Where two are at Law together, and meet and fight, and one kills the other, *Quære*, if murther: Two meet and fight, upon malice forethought, and one of them kills a ſtranger that came to part them, it is murther in both.

One robbed an Orchard of the others and he rebuking him for ſtealing his fruit killed him, and it was adjudged murther.

Where one was wilfully poyſoned, the party poyſoned muſt die within a yeer and a day after the poyſon received.

Where a Harlot doth endeavour to make away her baſtard, either by drowning ſecretly, or burying of it, to conceal the death thereof, ſo as it may not come to light whether born alive or dead, if concealed, ſhall ſuffer death as in caſe of murther, except there be proof by one witneſſe that the Childe was dead-born, 21 *Jac.* 27.

Where a man hath a horſe that uſeth to ſtrike and the maſter knowing it rides amongſt the people, and one is ſlain, it is felony in the maſter. There muſt be in every Indictment *Murdravit*, for *ex malitia ſua præcogitata* is too ſhort to ſupply it.

Of Obedience to the King.

IT is Treaſon in any that ſhall perſwade any from the Kings obedience, or from the Religion now eſtabliſhed in *England*, under the Kings Dominion, or to entiſe any to the Romiſh Church, or to promiſe obedience to the ſame, or if any have been willingly ſo abſolved from the Proteſtant Religion here eſtabliſhed, 23 *Eliz.* ca. 1.

Of

Of the Ordinary.

THe Ordinary is bound to attend the Gaol-delivery; not ſo, at the Quarter Seſſions. *Vide Lamb.* 395, 396. yet in the ſtrictneſſe of it, the Court may allow a Clergy, though there be no Ordinary or his Deputy.

If a Felon fail in his Clergy, at his tryall; yet may he crave it, at the place of his execution: whereby it appears, that the Ordinaries preſence is not of neceſſity, but here the Indictment is where the Felon is adjudged in the Kings Bench, and not at the Aſſizes, for at the Aſſizes the Commiſſions end with their Seſſions, but at the Quarter Seſſions their commiſſions continue, and may allow Clergy without an Ordinary.

And *Crom.* 188. *a.* 56. ſaith, One reprived may deſire his Clergy at the next Aſſizes: For it is not the Ordinary, but the Judges are the judges of the Felons reading; for if the Ordinary ſhould ſay, He reads, and doth not, the Felon may be executed, and the Ordinary fined.

Of Oaths.

THe Oath that any ſhall take before any Juſtice of Peace, for the ſurety of the Peace, ſhall be, That it is not upon any malicious intent, that you take the Peace againſt *A. B.* or for any manner of vexation: but for very fear of your life, and for the preſervation of your Goods and Chattels. The oaths of Juſtices of Peace, and Supremacy, and of Allegiance, *Vide Dalt.* 13. & 14, 15. 3 *Jac. ca.* 4 7 *Jac.* 6.

Two Juſtices may take the Oath of the under Sheriffs, their Bayliffs, Officers, or Clerks, one being of the *Quorum*, 27 *Eliz. ca.* 12.

The defaults of theſe Officers muſt be heard and determined in the Quarter Seſſions, 27 *Eliz. ca.* 12. If any

of them do any thing contrary to their Oaths they ſhall pay treble damage., 27 *Eliz. ca.* 12.

Unleſſe it be an Office of inheritance or Miniſterial function; or the practice of the Law Civil or Common; or any liberal Science, as Phyſick, Chirurgery, or the Art of an Apothecary: he that ſhall refuſe the Oath of Allegiance, is diſabled for any place of Judicature, or other Office, *per* 7 *Jac. ca.* 6.

One Juſtice of Peace may commit to Gaol without Bayl till the next Aſſizes or Seſſions, any that ſtands indicted for not coming to their Pariſh-Church or receiving the Communion by the Miniſter; or if a Church-warden ſhall be ſuſpected, and complained of to a Juſtice, he may be required to take the Oath of Allegiance, and refuſing may be committed to the next Gael without Bayl, being above the age of 18 years; 7 *Jac. ca.* 6.

Where an examination is only to inform a Jury upon an Indictment, it needs not be upon Oath; but where the Juſtices examination is the Conviction of the party, it muſt be upon Oath: in caſe of Felony it muſt likewiſe be upon Oath, or elſe it ſhall not be given in evidence againſt the party.

Thoſe that ſhall deny the taking of the Oath of Allegiance, required by two Juſtices; and the taking of the ſame and the Oath of Supremacy, by a conformed Recuſant that returns into *England*; muſt be certified to the Quarter Seſſions, 7 *Jac. ca.* 6.

When the Oath of Allegiance is required at the Seſſions, of ſuch as did refuſe it formerly, the refuſers (except Noble men and women) ſhall incurre the puniſhment of *Præmunire*, and women-Covert are to be ſent to the Gaole without bayl.

The

The Oath of Allegiance.

" I *A. B.* do truly and ſincerely acknowledge, profeſſe, " teſtifie, and declare in my conſcience, before God " and the world, That our Soveraign Lord King " *CHARLES*, is lawfull and rightfull King of this " Realm, and of all other his Majeſties Dominions and " Countries; And that the Pope neither of himſelf, nor " by any authority of the Church or Sea of *Rome*, or by " any other means, with any other, hath any power or " authority to depoſe the King, or to diſpoſe any of his " Majeſties Kingdoms, or Dominions; or to authorize " any Foraign Prince to invade or annoy him, or his " Countreys; or to diſcharge any of his Subjects of " their allegiance and obedience to his Majeſty; or to " give licence or leave to any of them to bear Armes, raiſe " tumults, or to offer any violence or hurt to his Ma- " jeſties Royal Perſon, State or Government, or to any " of his Majeſties Subjects within his Majeſties Domi- " nions.

" Alſo, I do ſwear from my heart, that notwithſtand- " ing any Declaration or ſentence of Excommunication, " or deprivation made or granted, or to be made or " granted, by the Pope or his Succeſſors, or by any au- " thority derived or pretended to be derived from him, " or his See, againſt the Said King, his Heirs or his " Succeſſors, or any abſolution of the ſaid Subjects from " their obedience; I will bear faith and true allegiance " to his Majeſty, his Heirs and Succeſſors, and Him and " them will defend to the uttermoſt of my power, a- " gainſt all Conſpiracies, and attempts whatſoever, which " ſhall be made againſt his or their perſons, their " Crown and Dignity, by reaſon or colour of any ſuch " Sentence or Declaration, or otherwiſe; and will do " my beſt endeavrur to diſcloſe and make known unto

" his Majesty, his Heirs, and Successors, all Treasons " and Traiterous conspiracies, which I shall know or " hear of to be against Him or any of them.

" And I do further swear, That I do from my heart " abhor, detest, and abjure, as impious and heretical, " this damnable Doctrine and Position, That Princes " which be excommunicated or deprived by the Pope, " may be deposed or murthered by their Subjects, or any " other whatsoever.

" And I do believe, and in conscience am resolved, " that neither the Pope nor any person whatsoever, hath " power to absolve me of this Oath, or any part thereof " which I acknowledge by good and full authority to be " lawfully ministred unto me, and do renounce all Par- " dons and Dispensations to the contrary. And all these " things I do plainly and sincerely acknowledg and " swear, according to these expresse words, by me spoken, " and according to the plain and common sense and un- " derstanding of the same words; without any equivoca- " tion, or mental evasion, or secret reservation whatsoever. " And I do make this recognition and acknowledgement " heartily, willingly, and truely, upon the true faith of a " Christian. So help me God.

Of the Overseers of the Poor.

ALl Overseers of the poor, shall be appointed yeerly in every Parish in the *Easter*-week, or within a moneth after, under the hands and seals of two Justices, one of the *Quorum*, that do inhabit in or neer the Parish, 43 *Eliz. ca.* 2.

The Overseers and Churchwardens, if not hindred by sickness or such impediment as 2 Justices shall think fit, shall meet monethly upon the Sunday after Evening prayer, in the Church, about the ordering of the poor, upon the pain of 20 *s.* apiece 43 *Eliz. ca.* 2. for every default.

The

The Quarter Seſſions may give a remedy to any that finde themſelves grieved at the taxation of the Overſeers, 43 *Eliz. ca.* 2.

Any two Juſtices may tax any other Pariſh (if the Pariſh where the poor are, are not able to relieve them) within the ſame Hundred; if the Hundred be not ſufficient, the major part of the Juſtices may tax other Pariſhes.

Either the Church-wardens or Overſeers for the preſent or to come, may by warrant levy any Money or arrearages of any refuſer, by ſale of their Goods or diſtreſſe; in default whereof, two Juſtices may commit them till payment, 43 *Eliz. ca.* 3. and likewiſe till accompt be made.

Where the Statute of 43 *Eliz. ca.* 2. gives power to Overſeers to binde Apprentices, they may take and keep them as Apprentices, with the conſent of two Juſtices one of the *Quorum*: in caſe there be but one Overſeer, he by the aſſent of a Juſtice, may ſet up or uſe any trade or occupation for ſetting the poor on work in the Pariſh that he or they are Overſeers of, 3 *Car. ca.* 4.

Of Pardons.

EXcept the Pardon be with a *Non obſtante*, the pardon of all felonies will not pardon petty Treaſon and Murder, unleſſe an expreſſe mention be made of the murther; yet before the Statute 23 of *Rich.* 2. *ca.* 1. in a Pardon of all Felonies was included Murther and petty Treaſon: neither will a Pardon of all Felonies acquit a man attainted of all Felonies, unleſſe the execution and the Attainder be pardoned.

It lies only in the King to pardon Treaſon, Murther, or any other felony; and he that hath his Pardon may forfeit it, and be executed in breaking the Peace. *Vide Crompt.* 115. b. *nu.* 16.

The Court ought to allow of any general Pardon that

As given by Act of Parliament, whether the party concerned will plead it or not. A Pardon in abjuration is not without ſpecial words. It is a queſtion whether a generall Pardon for petty Treaſon will help him that is indicted of murther, without the word *Proditorie*: And likewiſe if a generall pardon be granted (between the blow and the death) for all miſdemeanours, it is good for the death.

If there be a pardon of two Felonies that is committed by them or either of them, the pardon is of no validity for any offence done by one of them alone: every Pardon ought to agree with the Indictment, in the nature of the offence, and there muſt be punctually ſet down the name and addition of the Felon; for a Pardon of all Felonies will not ſerve for petty Treaſon, Murther, or any attainted of felony.

He that will plead ſpecially a Pardon, muſt do it under the great Seal, and there muſt be a Writ of allowance with it, that certifies the parties putting in ſecurity for the good behaviour, unleſſe there be a *Non obſtante*.

Where any priſoner pleads any pardon, if the Attorney generall be not there, the Juſtices of peace may take iſſue, that he is the party excepted. *Stamf.* 103.

By miſadventure where one is ſlain, he ſhall have his pardon of courſe, but *in ſe defendendo* he needs none, yet in both caſes he forfeits his Goods. *Stamf.* 15. & 16. *Statute of Glouc. ca.* 19.

For the ſueing of a pardon of courſe this is the manner of it: Upon them ſhall they muſt plead *Not guilty*, the ſpeciall matter being found upon the verdict, bayl ſhall be taken, then the Record muſt be certified to the Chancellor by *Certiorari*, then they ſhall have a Pardon of courſe, under the great Seal. *Stamf.* 15.

Of Parks.

ANy hunting or killing of Deer or Conies, by day or night, in Park, Warren, or any incloſed Grounds, being by Law convicted, ſhall ſuffer impriſonment three moneths, finde bayl for the good behaviour for 7 years, pay treble damage for every Deer killed, 10 *l.* which the party grieved will take, 3 *Jac. ca.* 13.

Of Partridges and Pheaſants.

UPon the Statute of 23 *Eliz. ca.* 10. any Juſtice may examine the Offences concerning the taking of Pheaſants or Partridges in the night, and binde the Offenders with Sureties to the next Quarter Seſſions; and after conviction and puniſhment take new bond for two years after not to offend the ſaid Statute 23 *Eliz. ca.* 10.

He that ſhall ſhoot at, kill or deſtroy with any Gun, Long-bow, Stone-bow, or Croſſe-bow any Partridge, Pheaſant, Houſe dove, Pigeon, Mallard, Heron, Duck, Teal, Wigeon, Gooſe, Heath-cock, or any Fowl or Hare; or take, kill or deſtroy any Partridge, Pheaſant, Houſe-dove or Pigeon, with ſetting-Dog or Nets, or any manner of Snares, Engines, or Nets, ſhall take or deſtroy the eggs of any Pheaſant, Partridge or Swan, or trace any Hare in the Snow, or deſtroy with any Engine whatſoever, or ſhall keep any Grey-hound for the deſtroying of the Game aforeſaid, having not 10 *l. per Ann.* in Fee Simple, or for life, or in Goods 200 *l.* except the ſon of a Knight, or heir apparent of an Eſquire, the offences proved by the parties confeſſion, oath of two witneſſes before two Juſtices of the County where the offence was committed or he apprehended, ſhall be impriſoned for three moneths without Bayl, unleſſe upon conviction he inſtantly pay to the poor for every Hare 20 *s.* for every Fowl and Egge 40 *s.* for keeping a Grey-hound, ſetting-Dog or Nets

three moneths imprisonment, not to offend again, to be bound with sureties taken by two Justices, and returned to the next Quarter Sessions, 1 *Jac. ca.* 27.

Any that shall be convicted of killing Partridges or Pheasants, with Hawks or Dogs under colour of hawking, between the 1 of *July* and the last of *August*, within 6 moneths after the offence before two Justices, shall be imprisoned one moneth without Bayl, unlesse he pay to the Overseers to the use of the poor, 40 *s.* for Hawking; 20 *s.* for every Partridge and Pheasant taken 7 *Jac. ca.* 11.

He that shall take any Pheasant or Partridge in any mans ground with Tramel or Lowbel, except against his will, and then letting them presently goe, forfeits 20 *s.* a Pheasant, 10 *s.* a Partridge, 23 *Eliz. ca.* 10. Any likewise Hawking in Corn before it be cut, loseth 40. *s.*

The buyer or seller of any Hare, Deer, Partridge, or Pheasant, except they be bred or brought from beyond the Sea, forfeits for every Deer 40 *s.* for every Hare or Partridge 10 *s.* One half to the Informer, the other to the poor of the Parish, 1 *Jac. ca.* 27.

Two Justices may send Warrant to the Constable to search for any Nets, setting-Dogs; and finding any may take them, and carry away the Dogs, kill them, and cut the Nets in pieces 7 *Jac. ca.* 11.

Vide 7 *Jac. ca.* 11. who may take Partridges in their own grounds where any Offendor hath been punished by the 1 *Jac. ca.* 27. he shall not be punished by any Statute afore that, and the offences mentioned in these Statutes, are to be determined at Quarter Sessions.

Of the Peace.

ANy private person present at any battery, assault, or affray ought to part them that are fighting; if he receive any hurt, he may bring his action; if they make

make any reſſiſtance, he muſt not hurt them.

Any preſent may ſtay an Affrayer till the heat be paſt, and then charge them with the Conſtable till they finde ſecurity for the peace, but not commit them unleſs in peril of death: then any may carry them to Gaol, till it may be known, whether the party wounded will live or die.

Where one that is wounded is in danger of death and flies into anothers houſe, any man that purſues him with a Hue and Cry, may break open the houſe, enter, and take him.

Where an Affray or other diſturbance be to the breaking of the peace in the preſence of a Juſtice, he may record it, certifie it, and commit the party; and no traverſe ſhall be allowed to any, where the Juſtice certifies it into the Kings Bench, that one hath broken the peace, but ſhall be there fined.

Of Perjury.

WHere any man ſhall procure another to commit wilfull perjury in any Court of Record, Court Leet, Court Baron, Hundred Court, or ancient Demeſne, get or ſuborned any witneſſe that is ſworn *in perpetuam rei memoriam*, or hath wilfully committed ſuch perjury, forfeits 40 *l.* Being not able he ſhall ſuffer a yeers impriſonment without Bayl, and be put one hour in the Pillory, and utterly be diſabled for a Witneſſe for ever, 5 *Eliz. ca.* 9. 14 *Eliz. ca.* 11.

He that commits the perjury, loſeth 20 *l.* and is never to be a Witneſſe again: and if not worth ſo much, he is to have his ears nailed to the Pillory: This offence may be determined at the Quarter Seſſions, 1 *Jac. ca.* 22.

If any officer takes more then his allowed fees, he commits perjury. *Vide Crompt.* 57. 6 *nu.* 7.

Where one commits perjury in depoſing falſely upon examination upon Interrogatories, it is within the Sta-

tute

tute of 5 *Eliz.* But where it is upon an anſwer to a bill of complaint, it is not.

Where the conviction is, there the awarding of execution ſhall be before that Juſtice of Peace.

Of Phyſicians and Chirurgions.

WHere one being neither Phyſician nor Chirurgion, ſhall undertake to cure a ſick or wounded man, that dies under his hand, through his ignorance, it was felony till 33 *Hen.* 8. *ca.*8. Yet, if a Farrier or Smith ſhall undertake the cure of any perſon either by launcing or letting bloud, and he dyes under his hand, it is felony in him ſtill, *Vide Lamb.*240.

Of the Plague.

THe Juſtices of Peace, and head Officers in any Corporation or places privileged, or any two of them may ſet a weekly Tax on the Inhabitants or priviledged places for the Support and relief of perſons infected with the plague, 1 *Jac. ca.* 31. And where the head-Officers do certifie the Juſtices or two of them that ſuch a Hamlet or Pariſh is not able, they may tax the Inhabitants of the County within 5 miles of the place infected, for the relief of the diſeaſed, 1 *Jac. ca.* 31.

Where there comes a Warrant from a Juſtice of Peace, or head-Officer, for the taxing of any perſon or perſons; upon refuſal of payment or not having Goods, he may by another Warrant be impriſoned till he pay it and the arearages, 1 *Jac. ca.* 31. And thoſe Taxes that are for the relief of the places infected, to be certified to the next Quarter Seſſions, to be either ſo continued, extended, abridged, or enlarged, as their neceſſity ſhall require, *Statut. ubi ſupra.* And the negligence in levying hereof by the Officer, his forfeiture is 10 *s.* to be uſed as the taxes ſhould have been. *ubi ſupra.* Thoſe

Thoſe taxes that are levyed by any County for the relief of any Corporation infected, ſhall be ordered by the chief Officer and Juſtice of Peace of the ſame Corporation, or any two of them; if no Juſtice, then by the Juſtices that aſſeſſed the ſame 1 *Jac. ca.* 31.

There ſhall be no puniſhment to thoſe Officers that are appointed to keep the infected in their houſes, if they will reſiſt to be kept in, although the Officers hurt them, *per idem Statutum.*

Where any perſon infected, ſhall goe abroad into any company, having an infectious ſore uncured, it is felony in him, but there ſhall be no corruption in his bloud, or forfeiture in his goods; and having no ſore, his puniſhment ſhall be as a Vagrant, 39 *Eliz.* 1 *Jac.* 31. and bound to his good behaviour for a yeer.

Any that are Officers in Corporate Towns, or Juſtices in Counties, may appoint, ſweare and direct ſearchers, watchers and buriers of infected perſons and places; and where perſons infected will not be kept in, one Juſtice may enforce them with violence, 1 *Jac. ca.* 31.

Of the power of the County.

WHere a Juſtice hath an information of a Riot, there is a ſufficient ground for him to raiſe a *Poſſe Comitatus*, and where it ſhall be raiſed without knowledge of any Riot or Rout, yet if one is proved, it is cauſe ſufficient; the Juſtice may proceed to puniſh it.

The Juſtices of the Peace, Sheriff or under Sheriff, may raiſe a *Poſſe Comitatus*, and have the aid of all the Knights, and under that degree, that are 15 years of age, and of ability to travel, upon the penalty of impriſonment, fine and ranſome to the King; but at the Juſtices diſcretion how many or how few, and how armed. *Vide Lamb.* 315.

In the ſuppreſſion of Rioters one Juſtice may do it, and not ſtay for his fellow Juſtices; and upon an Affray

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a Conſtable may take the aſſiſtance of his neighbours to arreſt any; and a Sheriff was amerced for a Return that he could not execute a Writ, becauſe the power of the County was not at his command.

Of Preachers.

HE that with a malicious intent ſhall diſturb any Preacher in his Sermon, ſhall be bound to his good behaviour, and have three moneths impriſonment, 1 *Mariæ ca.* 3. Where the diſturber of any Preacher is arreſted and brought before a Juſtice, and upon examination heard and convicted, he ſhall be committed for 6 dayes, and then being brought before another Juſtice, and they two joyning upon examination, and upon confeſſion of the party, or conviction by two witneſſes, he ſhall be committed for three moneths, 1 *Mariæ ca.* 3.

Of Præmunire.

HE that doth deny to take the Oath of the Kings Supremacy, firſt offence is *Præmunire*; the ſecond, Treaſon, 5 *Eliz. ca.* 1. 13 *Eliz. ca.* 1. He is guilty of a *Præmunire*, that ſhall aid, aſſiſt, comfort or maintain any that hath committed Treaſon, in uſing any Popiſh Bulls, 23 *Eliz. ca.* 1.

He that ſhall maintain, defend, or ſet forth, any power or any forain Prince or perſon heretofore uſed for uſurped within the Kings Dominions, by Preaching, Printing, or Writing, either by expreſſe deed or act; or maliciouſly or directly to execute any thing to that end, 1 offence *præmunire*, 2 treaſon, 1 *El.* 1. 5 *El.* 1.

He likewiſe that ſhall aſſiſt any perſon that ſhall put any Bull in writing or any inſtrument of abſolution from the See of *Rome*, is guilty of a *Præmunire*, 13 *Eliz. ca.* 2. 23 *Eliz. ca.* 1.

He

He is guilty of a *Præmunire* that ſhall from the See of *Rome*, or any allowing that authority, bring any *Agnus Dei* Beads, Pictures, Croſſes, or ſuch ſuperſtitious things, or ſhall deliver or cauſe them to be delivered or offered to any of the Kings Subjects, to uſe or wear; if any know it and apprehends not the party within three dayes, and diſcovers it not to the Ordinary, or next Juſtice of Peace, or, having received any ſuch things, delivers them not next day to the next Juſtice. 13 *Eli. ca.* 2. 23 *Eli. ca.* 1.

The Statute of 16 *Rich.* 2. appoints what is forfeited in *Præmunire* as his Land and Tenements in fee for ever, in tale for his life, and all his Goods and Chattels, perpetual impriſonment, and out of the Kings protection: If he appear at the day, it is otherwiſe. *Vide L. Cokes Inſtitut.* 129, 130.

If the Juſtice conceals him that brings either Pictures, *Agnus Dei*, or Croſſes, and not brings him to one of the Kings Councel, he is guilty of a *Præmunire*, 13 *El. ca.* 2.

The Statute of 37 *Hen.* 8. *ca.* 9. againſt Uſury, ſuch Broakers of bargains ſhall be puniſhed as Counſellers, Atturneys, or Advocates, in caſe of *Præmunire*, 39 *Eliz. ca.* 18. 13.

Of Priſons.

IMpriſonment is the reſtriction of a mans perſon from his liberty, into the cuſtody of the Law, to be reſponſible to that ſhall be objected againſt him: Though any break away, yet he is in priſon as long as he is within the view of the Gaoler; and he that ſhall commit any to priſon, muſt be a Judge upon Record.

Where a Conſtable hath arreſted one upon ſuſpicion of felony, he may lock him in the Stocks, and afterwards may pinion, and bring him before a Juſtice.

Where any is committed to finde ſureties for the Peace, and refuſing, he ſhall there continue till he doth finde them.

If

If a man is committed for default of ſureties for the peace, he ſhall not be delivered by either the releaſe or death of the party, but at the Quarter Seſſions or Gaol-delivery; yet *Lamb.* 93. puts a *Quære* upon it.

A man ſtanding by and not uſing his endeavour to ſave the life of the murdered, and to attach the murderer, was committed.

A Sheriff is left to his choyce, either to impriſon in his houſe, or commit to Gaol: But a Conſtable cannot impriſon in his houſe, but muſt put the Offender in the Stocks, till he can raiſe aſſiſtance to bring him before a Juſtice of the Peace; neither can any Juſtice make a Priſon of his houſe, but muſt ſend him to the common Gaol, 5 *Hen.* 4. *ca.* 10. 23 *Hen.* 8. *ca.* 2.

Where ſome penal Statutes enables a Juſtice, he may commit the Delinquent to the Stocks.

It is the breaking of Priſon, where any felon eſcapes either out of Gaol, or from the cuſtody of his Keeper, though he never were indicted: and where one is impriſoned upon a *Capias pro fine*, upon payment he may be delivered; or upon a Recognizance.

Of Priſoners.

WHere any man is arreſted for felony, he is in the eye of the Law a Priſoner, though not in priſon, as in the Stocks, high-way, or in the cuſtody of him that hath arreſted him: And look what any is committed for, if he breaks priſon he is culpable of the ſame offence: and it is felony in him that reſcous any that is committed for felony, and it is felony in any Officer that willfully lets another eſcape that is committed for felony.

The Priſoner that hath ability ſhall pay his own charges, and the charges of thoſe that guard him to priſon; and upon refuſal the Conſtable where he lives, by a Juſtices warrant may make ſale of his Goods, being Apprized,

prized by four of the Pariſh, rendring the over-plus to the Delinquent, 3 *Jac. ca*, 10.

Where an Offender is not able, the charges ſhall be born by the Pariſh where he was apprehended for his commitment to Gaol, and the place to be taxed equally by the Conſtable and two or three of the Pariſh, allowed by a Juſtice, 3 *Jac. ca.* 10. and of any that ſhall refuſe to pay it, it may be levyed by ſale of their Goods, rendring the over-plus, having a Juſtices Warrant. *ubi ſupra.*

Upon any diſtreſſe upon the ſaid Satute any may in any action brought againſt him plead *Not guilty*, and giving the ſpecial matter in evidence, and upon either Non ſuit or Recovery he ſhall have treble damages.

And where any priſoner is diſcharged upon the default of the Indictment, yet the Juſtices upon the change of their opinions may ſtay the Offender before Indictment.

It is Treaſon in any that is outlawed for felony, and breaks priſon, if any eſcape that are in for Treaſon.

Of Proceſſe.

THis word *Proceſſe* comes from the word *Procedere*, becauſe of the proceeding upon any former matter, either original or Judicial informations or ſuggeſtions, or but incitations, or to commend the cauſe to the Enqueſt by the Juſtices, unleſſe it be ſpecially given by Statute: and the authority of making Proceſſe the Juſtices have by their Commiſſion, or employed where the power of hearing or determining is given them by their Commiſſion.

All proceſſe ſhall be in the Kings Name, and the Teſte is commonly in the *Cuſtos Rotulorum*'s name, and no new Commiſſion of the Peace, ſhall diſcontinue any Proceſſe or Suit, 1 *Edw. 6. ca.* 7.

The common Proceſſe upon Indictment is a *Venire fac.* If he be returned Suffieient, then a *diſtringas ad infinit.* if a *Nichil cap. alias pluries & exigent.* upon the Statute for

for victuals, *Attach. capias, & exigent. cap. utlagat.* and one being of the *Quorum* any three Justices may send it into any County.

Where any servant departs his service, Justices of Peace may award Processe into that County where he is returnable before them; or where a decayed Bridge is in one County, and the Land that is chargeable is in another 22 *Hen.* 8. *ca.* 5.

Where one stands indicted for treason or trespasse in one County and he is imprisoned in another, the Justices may award a *Habeas Corpus* to remove him before them; and Processe upon an Indictment of felony, may be sent into any forain County, 5 *Edw.* 3. *ca.* 11.

Where an Indictment for treason or felony is in one County, and the named in the Indictment is in another, the first processe shall goe into the County where he is indicted, the second to the County where he is named, returnable 3 moneths after; if not there found, that Sheriff shall make Proclamation at two County Courts before the return to appear before the Justices, where the Indictment is at the return of the *Capias*; if he fail, an exigent to be awarded, 8 *Hen.* 6. *ca.* 10.

The Justices can award no processe after Outlawry, but must certifie it into the Kings Bench, and processe upon an Information, must be such as the Statute upon which they are grounded, doth appoint, *Lamb.* 528.

That Sheriff that shall levy any fine, ransome or amerciament without Processe from the Justice, loseth 40*l.* 1 *Edw.* 4. *ca.* 2. And where an Ale-house-keeper hath transgressed, and so forfeited his License, the Justice may send Processe against him, to shew cause why he should not forfeit his License, and (except in case of Ale-houses) the Justices cannot award any Processe upon forfeited Recognizance, but must certifie them into the Kings Bench.

Of

Of Proclamations.

NO Juſtice of Peace can make an acquittall of Felons without ſufficient cauſe; and if they cannot indict them, they muſt lye till the Gaol-delivery.

For the form of a Proclamation to remove a force upon the Statute of *Northampton*, *vide Lamb.* 168. And a Conſtable, if an Affray be perilous, may make proclamation, *Dalt* 33. *Quære*, whether one Juſtice may make a Proclamation in the Kings name becauſe of the expiration of 1 *Eli. ca.* 19.

The uſual courſe is at the Seſſions for the Juſtices to make Proclamation, that if any will inform for the King, that they ſhould come in and give evidence.

The Statute of 4 *Hen.* 7. *ca.* 12. mentions that proclamation be at every Quarter Seſſions, according to that Statute; or all the Juſtices preſent, loſe every one 40 *s.*

Of Propheſying.

HE that ſhall propheſie to raiſe a Rebellion, diſſention, loſſe of life, or any other diſturbance in the Kingdom, being convicted before the Juſtices; For the firſt offence is impriſonment without Bayl, forfeits 10 *l.* Second, impriſoned during life, loſes all his Goods and Chattels real and perſonal: but he muſt be impeached within ſix moneths after the offence 5 *Eli. ca.* 15.

Of Purveyors.

NO Purveyor or ſervant of a Purveyor ſhall take any thing of any mans, againſt his will, but muſt agree with the owner, and make payment ſuddainly, or elſe it is felony in any Purveyor, his Deputy and Servant, with-

out warrant to take any thing above 12 *d.* without the owners conſent, 2 & 3 *Phil & Mar. ca.* 6.

If a purveyor ſhall take any thing not in his commiſſion, it is made felony by the Statute of 36 *Edw.* 3 *ca.* 3. or not having a Commiſſion under the Great Seal. It is likewiſe felony to take above the value of 12 *d.* without the apprizing of the Conſtable and four honeſt men of the Inhabitants, and delivering a Talley or Indenture under his hand and ſeal: if he take more than he ſhall deliver into the Kings hand, it is felony.

It is felony to take Sheep betwen *Eaſter* and *Midſommer*, and to ſhear them at his own houſe, buying them at under rates, 23 *Edw. ca.* 15.

Every Purveyor that takes any thing to the value of 40 *s.* forfeits double; and the Conſtable being required to aſſiſt againſt the Purveyor and refuſing, loſes double damages: Any of the Kings Officers that ſhall procure any to be arreſted for ſuch reſiſtance, forfeits 20 *l.* 23 *Hen.* 6. *ca.* 8.

That Purveyor that ſhall take any reward to ſpare any, forfeits treble damages, and to be impriſoned two years: and if he ſhall take Corn other than by the ſtricken buſhell, 8 buſhels to the quarter, and taking Carts therefore without ready payment, his puniſhment is imprisonment for one yeer, forfeits 5 *l.* to the King, and as much to the party, 36 *Ed.* 3. *ca.* 3. 1 *Hen.* 5. *ca.* 10.

That Purveyor that ſhall cauſe Timber to be felled fitting to bark, but at the time of barking (except for Ships) or to repair the Kings houſes, or taking any benefit by the Lop ſtocks or Bark, or taking any more of the owner of the tree then the timber, loſes 40 *s.* for every tree, 1 *Jac. ca.* 22.

All Docquets of Purveyors muſt be delivered to the Juſtices of Peace at the next Seſſions and by them certified to the Treaſurer of the Kings Houſhold, 2 & 3 *Phil & Mar. ca.* 6.

Where

Where a Purveyor ſhall take any thing by his Commiſſion for the Kings Houſhold, and ſells the ſame again, his taking is extortion, and may be puniſhed as a treſpaſſer, if not as a felon. And any that ſhall take any Victuals by vertue of the Kings Commiſſion, againſt the Statute, are liable to the puniſhments therein. *Vide the Statute* 2 & 3 *Phil.* & *Mar. ca.* 6.

Of Precepts.

A Superſedeas of a Warrant for the Peace.

A. *B.* Gen. one of the Juſtices, &c. foraſmuch as *J. D.* of *C.* &c. hath perſonally come before me at *S.* and hath found Sufficient ſecurity, that is to ſay, *W. J.* and *E. F.* &c. Either of them hath undertaken for the ſaid *J. D.* in 20 *l.* and the ſaid *J. D.* hath undertaken for himſelf in the pain of 40 *l.* that he the ſaid *J. D.* ſhall well and truely keep the Peace of our Soveraign Lord the King, and of all his Liege People, eſpecially towards *G. H.* &c. and alſo ſhall perſonally appear before the ſaid Juſtices of the peace of our ſaid Soverign Lord the King within the ſaid County, at the next general Seſſions of the Peace, to be holden at *M.* Theſe are therefore, in the behalf of our Soveraign Lord the King, to command you and every of you that you utterly forbear and ſurceaſe to arreſt, take, impriſon, or otherwiſe by any means (for the ſaid cauſe) to moleſt the ſaid, &c. And if you have, for the ſaid cauſe and no other, taken or impriſoned him, that then you cauſe him to be delivered and ſet at liberty without delay. Given at *S.* under my hand and ſeal, &c.

A Recognizance for the Peace.

Mem. quod 5 *die Jan. &c.* A. B. *de* D. *in Com.* M. Yeo. & C. D. *de* C. *in Com. predict. venerunt coram me* R. B. *&c. et manucep. pro.* J. S. *nuper de* L. *quod ipsi personaliter comparebunt coram me prefat.* R. B. *uno Justiciar. pacis Domini Regis ad proximam generalem Sessionem pacis, &c. Et quod ipse interim geret pacem erga cunctum populum Domini Regis, et præcipue erga* R. B. *&c.* viz. *quilibet manucaptorum predict. sub pœna* 20 *l. Et prædictus* J. S. *assumpsit pro se sub pœna* 40 *l. et prædictus* J. S. *et quilibet manucaptor. prædict. in dicta summa* 20 *l. recognoverunt, &c.*

A Precept for the good Behaviour.

A. B. and *w. C.* two Justices of the peace of our Soveraign, &c. to the Sheriff of the said County, and to the Constables, &c. Forasmuch as *A. B.* of *C.* aforesaid, is not of good fame, nor of honest conversation; but a Rioter, Barrettor, or a disturber of the Peace of our Soveraign Lord, &c. as we are given to understand by the complaint of some credible persons there, on the behalf of our said Soveraign Lord; we command you and every of you, that you cause the said *A. B.* to come before us, or some of our fellow Justices, to finde sufficient surety and mainprise for his good abearing towards our said Soveraign Lord and all his Liege people, untill the next Quarter Sessions of the Peace, to be holden in the said County; and also for his appearance then and there. And if he shall refuse, &c. as in the Precept for the Peace, &c.

A Recognizance for the Good Behaviour.

Md. quod 4 die Martii, Anno, &c. venit coram me A. B. Arm. &c. ut in Recogn. pacis usque adtunc quod idem R. B. personaliter comparebit coram Justiciar. dicti Dom. Regis ad pacem, &c. ad prox. generalem Sessionem Pacis, &c. Et quod ipse interim se bene geret erga Dom. Regem et cunctum Populum suum, et præcipue erga J. B. de C. &c. et quod ipse non inferet, nec inferri procurabit, per se nec per alium, dampnum aliquod seu gravamen præfat. J. B. seu alicui de populo ipsius Dom. Regis de corporibus suis per insidias, insultus, seu aliquo alio modo quod in læsionem seu perturbationem pacis prædict. cedere valeat quovis modo, v. 2. uterq; predict. F. C. et J. D. sub pœna C. l. et predict. J. D. sub pœna CC. l. recognoverunt se debere dicto Domino Regi de terris et tenementis bonis et catallis suis ad opus et usum ipsius dicti Dom. Regis fieri et levari, si contingat præfat. R. B. in aliquo præmissorum deficere, et inde legitimo modo convinci, &c.

A Precept to the Sheriff upon a Riot.

R. B. et W. G. Arm. duo Justiciarii, &c. assignati Vic. ejusdem Com. &c. salutem. Ex parte dict. Dom. Regis tibi præcipimus, quod venire fac. coram nobis apud J. in Com. predict. 22 die Maii prox. futuro, 24 probos & sufficientes homines de Com. predicto, quorum quilibet habent terras et tenementa infradict. Com. liber. tenement. per Chartam ad annuum valorem 26 s. aut per copiam Rotulorum Cur. ad annualem valorem 26 s. 8 d. ultra omnes reprisas ad inquirend. predict. Dom. Reg. ac pro indemnitate nostra in hac parte super sacramentum suum de quibusdam illicitis Aggregationibus et Riottis apud C. in Com. predict. nuper commissis ut dicitur. Et hoc nullatenus omittas sub pœna 20. l. quam incursurus es, si in executione præmissorum defeceris

feceris. Et habeas ibi tunc nomina Jurator. predictorum, et hoc preceptum dat. sub sigillis nostris.

A Recognizance for an Alehouse keeper.

THe condition of this Recognizance is such, that where as the within-bounden *A. B.* is admitted and allowed by the within named *R. B.* and *C. D.* two of his Majesties Justices of the Peace within the said County of *M.* within written, to keep a common Ale-house or Tipling-house, and to use common selling of Ale or Beer, only within the now house of the said *A. B.* and not elsewhere, situate in the high street of the Town of *M.* within written, and called the sign of the *H.* If therefore he the said *A. B.* during such time as he the said *A. B.* shall keep such common Ale-house there, shall not suffer any unlawfull Games, as Dice, Cards, Tables, Tennis, Bowls, Chesse, Loggets, or other unlawfull Games, to be used in his said house, or in his Garden, Orchard, or other his grounds, nor dresse or cause to be dressed any flesh to be eaten upon any day forbidden by the Lawes or Statutes, nor wittingly or willingly admit or receive into his said House, any person notoriously defamed of or for theft, or incontinency, or drunkennesse; or shall be notified by him to be an unmeet person to be received into a common Ale-house; nor keep nor lodge there any strange person above one day and night together, without notice first given to the Constable; and finally, if the said *A. B.* during the time that he shall keep common selling of Ale and Beer within the said house, and there use and maintain good order and rule, then this present Recognizance, &c.

The Recognizance of the Bail of a Felon.

Md. quod 10 *die* Junii. *Anno, &c. coram me* N. C. *uno Juſtic. dict. Dom. Regis, ad pacem, &c.* W. H. *et* J. S. *manuceperunt pro* W. F. *de* D. *&c. quod comparebit ad prox. Goalam deliberand. ad reſpondend. A. H. pro ſuſpicione feloniæ, et ad reſpondend. omnibus quæ verſus ipſum adtunc et ibid. objicerentur, ſub pœna utriuſque manucaptorum predict. in* 20 *l. Et predictus* W. F. *aſſumpſit pro ſeipſo ſub pœna* 40 *l. Quas quidem ſeparales ſummas, &c. ut antea in Recogn. pacis, &c.*

A Recognizance to give in Evidence.

Md. quod tali die et Anno &c. coram me, &c. J. D. *de &c. recogn. ſe debere dicto Domino Regi* 10 *l. de bonis et catallis, terris et tenementis ſuis fieri et levari, ſi non comparebit ad prox. Goalam deliberationis ad proſequend. et dand. evidentiam contra* T. A. *pro ſuſpicione feloniæ, &c.*

A Warrant for the ſearch of ſtollen Goods.

Lanc. ſſ. FOrasmuch as I am credibly informed, that the Shop of one *L. C.* of *F.* in the ſaid County, was this laſt night broken up, by divers perſons who felonioufly and burglarily did take and carry away out of the ſame, divers Goods, [naming them:] Theſe are therefore in his Majeſties name ſtreightly to charge and command you, and every of you, that forthwith, upon ſight hereof, you make diligent ſearch and inquiry throughout your ſeveral precincts, as well for the ſaid Goods, as for the breakers of the ſaid Shop, and if you ſhall find any of the ſaid Goods

Goods, that you ſhall make ſeiſure thereof to his Majeſties uſe, and to apprehend all ſuch perſons in whoſe hands the ſaid Goods, or any part thereof, ſhall be found; to be examined touching the ſaid goods, and to apprehend the bodies of all ſuch perſons as you ſhall ſuſpect to be breakers of the ſaid Shop, and them to bring before me or ſome other of my fellow-Juſtices, to be examined touching the ſame, that they may be dealt withall as Law ſhall require. Whereof fail you not, &c. Given at, &c.

An Examination of A. B. *upon the Statute of Hue and Cry.*

The Examination of A. B. *of* &c. *ſworn and examined ſuch a day and yeer*; &c. *depoſeth*, &c.

THat about ſuch a time, naming it, he was riding from *F.* aforeſaid, towards *E.* in the County of *N.* and, in the high-way, within the Pariſh of *K.* in the ſaid County of *N.* he was ſet upon by two perſons, and was by them robbed, and they took from him, &c. And he ſaith upon his Oath, that he doth not know either of the parties, and ſaith that his name is *R. D.* of *N.* born in, &c. of the age of 23 yeares, or thereabouts.

The Recognizance to proſecute.

E *Preſat.* A. B. *recogn. ſe debere dicto Dom. Regi* 40. *li. legalis monetæ* Angl. *de bonis et catallis, terris et tenementis, ad opus et uſum dicti Domini Regis, hæred. et ſucceſſorum ſuorum fieri et levari, ſub conditione, &c.*

THe condition, &c. That if the ſaid *A. B.* doe effectually proſecute ſuit againſt the ſaid *R. D.* by Indictmen

dictment or otherwiſe, according to the due courſe of the Law of this Realm, that then, &c.

A Precept to apprehend an Offender.

THeſe are requiring you in the Kings Majeſties name, that immediately you bring before me *T. N.* of &c. to anſwer to ſuch matters as ſhall be objected againſt him, in his Majeſties name on the behalf of *A. B.* Whereof fail you not, as you will anſwer the contrary at your peril. Sealed, &c. Given at *E.*

A Licenſe for Badgers and Corn-Carriers.

AT the general Seſſions of the Peace, holden at *W* in the County aforeſaid, holden ſuch a day and yeer, &c. *T. C.* of &c. Badger, is admitted and licenſed by the Juſtices of Peace, of the ſame County, to be a common badger, lader, kidder, buyer or carrier of Corn, in any Market or Fair within the Realm of *England*, and the ſame ſo bought to convert to Meal, and the ſame to carry to the City of *L.* or to any other Market or Fair, ſo that he uſe and occupy the ſame according to the Statute in that behalf made and provided againſt Regraters, Foreſtallers, and Ingroſſers, and not otherwiſe: This Licenſe to continue till the next Quarter Seſſions, and no longer. Witneſſe, &c.

A Warrant to diſtrein for the Poor.

FOraſmuch as divers perſons within your Pariſh, as we are informed, being aſſeſſed by your Church-wardens and Overſeers, to a weekly contribution for and towards the neceſſary relief of the Poor, and for a convenient ſtock to ſet them on work, according to the Statute made in that caſe and provided, concerning the

Inhabitants

Inhabitants in the ſaid Pariſh, who have from time to time refuſed and neglected to contribute according to their Aſſeſſement: Theſe are therefore, according to the authority given me by the Statute and to the two next Juſtices inhabiting, to authoriſe you the Church-wardens and Overſeers, or any of you, to levy all ſuch ſums of Money as ſhall be unſatisfied and unpayed by any of the Inhabitants as aforeſaid, by diſtreſſe or ſale of their Goods, rendring to the party or parties the over-plus: and if you cannot finde any Goods to diſtrain, you ſhall return their names to us, that we may proceed therein as the cauſe requireth: And this ſhall be your warrant, &c.

A Paſport for a Vagrant, according to the 33 Eliz.

WHereas *J. P.* this day 15. of *March*, in the yeer, &c. was taken as a Vagabond or wandring beggar, and hath received puniſhment according to the Statute; Know ye, that I *H. B.* Eſq; one of the Juſtices &c. have licenſed and appointed the ſaid *J. P.* to travel and paſſe from henceforth the next and the directeſt way unto *C.* in the County of *L.* where he ſaith he was born; ſtraightly charging, in his Majeſties name, all Conſtables, Tything-men, and all other his Majeſties Officers, that they convey the ſaid *J. P.* from Conſtable to Conſtable through all their Towns, Hamlets and Pariſhes, the neereſt way to *C.* aforeſaid, and there to leave him in the cuſtody of the Conſtable, Tything-men, or other Officer of the ſame Town, there to be provided for according to the Statute. And hereof fail not as you will anſwer the contempt at your peril. Given at, &c.

A Mittimus to his Majeſties Gaoler.

M. THeſe are to require you in his Majeſties name, that you receive into your Gaole and cuſtody all ſuch perſons

persons whose names are here under written, there to remain without Bayl or Mainprise for the space of three dayes, for keeping of Tipling-houses, and common selling of Ale without license, being discharged by us for doing the same: and before their deliverance that every of them do enter into Recognizance with two sufficient sureties, not at any time hereafter to keep any such common Tipling-house or Ale-house, for selling Ale or Beer, whereof, &c.

A Mittimus for one that hath broken the Peace.

Midd. I Send you herewithall the body of *A. B.* whom I require and charge you in his Majesties name to receive and take into your safe custody for divers misdemeanours committed by him against the Kings Peace, untill he shall find two good sufficient sureties Subsidymen to be bound with him in a Recognizance to our Soveraign Lord the King, either of them, in the sum of 20 *l.* and himself in forty pounds, to appear before his Majesties Justices of Peace at the next Sessions of the Peace for this County to be holden, in the mean time to be of good behaviour towards our Soveraign Lord the King, and all his Liege people. Whereof, &c.

A Precept to bring Rioters before a Justice.

Midd. FOrasmuch as I am informed by *W. A.* Esq; that *J. C.* &c. and divers other persons unknown, have come upon the ground of the said *W. A.* in *M.* aforesaid, and there have been aiding and assisting to those persons above named, in forceable manner to carry Timber there late growing: these therefore are in his Majesties name to command you and every of you to arrest as well the parties afore-named, as the said persons unknown, being shewed unto you by the said *M. S.* and to bring them

them before me, and this shall be your warrant and discharge.

A Precept to bring back a Servant gone into another County.

Suff. *A. B.* Esq; one of the Justices of the County aforesaid to the Sheriff of the County of *E.* and to all Constables and Head-boroughs in the same County, Greeting: By a Statute made in the first yeer of Queen *Mary*, it is ordered that if any servant depart from his Master from one County into another, it should be lawfull for any Justice of Peace of the same County from whence such servant shall so depart, to send his Precept or Precepts into the other County into which any such servant shall so come, forasmuch as *E. D.* a servant to *G. R.* of *E.* Tailor is gone from his said Master, without any testimonial, or his lawfull license, into the said County of *E:* These are by the authority of the said Statute, and in his Majesties name to require charge and command you, that forthwith upon sight hereof you goe with this bearer, and as speedily as you may apprehend the said *E. D.* and bring him before me or some other Justice of Peace in *S.* to be ordered as cause shall require, and hereof fail you not, as you will answer, &c.

A Discharge for a Constable.

To the High Constable of the Hundred of H.

THese are requiring you in the Kings Majesties name, that you make out your Precepts, to all petty Constables within your Hundred, commanding them therein, that by vertue hereof they discharge all such as shall keep a Tipling-house, or shall sell Beer or Ale within their

their Juriſdiction, other then ſuch as are lawfully licenſed thereunto whoſe names are hereunder written: and do forbid them in our names that they ſhall not from henceforth keep any common Tipling-houſe to ſell Ale or Beer in, contrary to the Statute in that caſe made and provided; and if you know of any offending to the Contrary, that ye ſhall bring the ſaid perſons ſo offending before us, that they may be forthwith committed to the ſaid Gaole for the County of *H.* there to remain without Bayl or Mainpriſe by the ſpace of 3 dayes; and before their deliverance to enter into Recognizance with two Sureties, that they ſhall not ſo offend again: Beſides their penalty of 20 *s.* to be aſſeſſed upon them at the Seſſions following. Whereof fail you not, *&c.*

A Licenſe to begge.

S. ſſ. A. B. and *C.D.* Juſtices of the Peace in the County aforeſaid, Greeting: Whereas the bearer hereof *E. F.* of *W.* in the County aforeſaid, is a very poor man, and blinde; by reaſon whereof he is not able to work, nor live of himſelf, without the charitable relief of other; and being now reſident in the ſame Town, is there to be relieved; and being informed that the ſaid Town is charged with more poor and imporent folk then it is able to relieve: know therefore, that we the ſaid Juſtices have licenſed the poor man and his Leader, to go abroad and begge and receive the charitable Almes of well-diſpoſed people, inhabiting and dwelling within the P. of &c. in the ſaid County, requiring you not to moleſt and trouble the ſaid poor man or his Leader for ſo doing, but deſiring you rather to relieve him and his Leader in their neceſſity, as to you ſhall ſeem meet: This our Licence to be in force for one whole yeer, and no longer. In witneſſe, &c.

A Certificate for a trained Souldier.

THese are to certifie you that *A. B.* the bearer hereof, is a trained Souldier of the Burrough of *S.* for his Majesties service, appointed under my Colours, and therefore not other wayes to be charged or molested, as you will answer the contrary, &c. *Plus vide in Crompton, Fitzherbert, Lambert, et Dalton.*

Of Rape and Ravishment.

IT is felony without Clergy, to deflowre a Maid under 10 yeers old, either with or without consent, 18. *Eliz. ca. 6.*

It is likewise Felony without Clergy, to ravish a woman without consent, either before or after the fact; and if with force, though she shall after consent. *Vide Lamb.* 256. 242. *Statute, ubi supra.*

To be present, aiding, or assisting the Ravisher, is a Rape.

But where the woman conceiveth with childe, it is no Rape; for it is a Maxim in the Common Law, that no woman can be got with Child against her will, *Stamf.* 24. And it is a Rape to deflowre anothers Concubine; yet the deflowring one kept as the deflowrers Concubine is a good plea in Rape. *Stamf.* 24.

Force without carnal knowledge is no Rape, but there must be complaint within 40 dayes. *Vide Statut.* 4 *Edw.* 1. but in an Appeal, otherwise.

She that is ravished must presently make Hue and Cry after the Ravisher, to some Justice of Peace, or other credible person, and in the Indictment she need not observe any time.

Where one threatens a woman with death, who then consented

conſented for fear, it is a Rape: And where any doth conſent after the Raviſhment committed, the husband, father, mother or other, being next of kin, may proſecute to have the Raviſher committed.

Of Recognizances.

A Recognizance is a Bond recorded, wherein the Reeognizor doth acknowledg himſelf to owe a ſum of Money to another. It muſt remain upon record; none can take it but he that is a Judge or Officer of Record.

In ſome cauſes, Juſtices of Peace may take Recognizances by the Statute that enables them, but they muſt take them in the Kings name, upon pain of impriſonment, 33 *Hen.* 8. *ca.* 39.

It lyes in the power of a Juſtice of Peace taking a Recognizance *Virtute Officii*, to take what ſureties and how many he pleaſes, and for their ability, how long bound, generally they ought to be Subſidy-men; and at leaſt there muſt be two beſides the party.

Where a Recognizance for the peace is taken, there it muſt be expreſſed in it, or elſe it is voyd: And where a Juſtice of Peace, having taken ſureties, doubts afterwards their ability, he may compell the party to get others.

It is effectual in Law though in the Recognizance there be no time ſpecified concerning the appearance, but generally to keep the peace: but where the keeping of the peace is omitted, it is voyd.

Untill the *Certiorari* be returned, there needs no Recognizance for the peace upon a *ſupplicavit* to be returned. A woman Covert, or Enfant, ſhall not be bound but their ſureties: and where a Recognizance is taken *virtute officii*, for default of appearance, it may be returned by *Certiorari*, *Dalt.* 178.

The

The death of the King determines the Recognizance, if not forfeited before the party ſuing for it: Although the ſureties die, yet it is good againſt the Executors; and where the Recognizance is forfeited, the Juſtices may require new Sureties, or commit him to priſon: and where a Recognizance for the Peace comes to the *Cuſtos Rotulorum*, and the party purſues it not, the Clerk of the peace may call upon it for the King.

No Juſtice of Peace can award any proceſſe upon forfeited Recognizances (except Alehouſes,) but muſt certifie them into the Kings Courts at *Weſtm. Vide* the cauſe how they become forfeited in *Dalt.* 177. and where any are taken by a Juſtice *ex Officio*, muſt be brought to the *Cuſtos Rotulorum* at the next Quarter Seſſions; yet there is no penalty if not, by the Statute, 3 *Hen.* 7. *ca.* 1.

None but the King can pardon a forfeited Recognizance; and likewiſe if a Juſtice takes one not having authority, it is void; if taken where he hath no power, putting in others names, it is voyd alſo.

When any Recognizance is taken by a Juſtice, as ſoon as it is taken, it is matter of Record, although not engroſſed or entred into his book. *Vide Brook Record.* 38. And one Juſtice may take a Recognizance for the Peace. All theſe Recognizances for the peace muſt be certified at the next Quarter Seſſions, but for Felons they muſt be certified at the Gaol-delivery, except ſuch petty felonies as the Juſtices will hear and determine at the Seſſions.

Of the Forms of Recognizances for the Good Behaviour.

Md. quod tali die et anno, &c. J. H. *de* E. *in Com.* H. *Yeo.* W. H. *de eodem Yeo.* W. I. *de eodem Yeo.*

Teo. in propriis personis suis venerunt coram me T. P. unu Just. &c. dict. Dom. Regis ad pacem, nec non ad diversa felonia, transgr. et alia malefacta in eodem Com. perpetrand. assignat. et conjunctim et divisim recognoverunt se debere dicto Domino Regi 40 li. de Bonis et Catallis suis ad opus dict. Dom Regis levari, sub conditione indorsata, Viz.

The condition of this Recognizance is such, that if the within bounden *J. H.* shall personally appear at the next Sessions of the peace to be holden in the County of *H.* and shall in the mean time be of good behaviour towards our Soveraign Lord the King, and all his people, that then this Recognizance be voyd, &c.

A Recognizance to preferr an Indictment, and give Evidence.

South. *Memd. quod tali die et anno, &c. A. B. de C. in Com. D. Ll. in propria persona sua ven. coram me W. B. uno Justic. dicti Dom. Regis ad pacem, nec non ad diversa felonia, transgr. et alia malefacta in eodem perpetrand. assignat. &d. cognovit se debere dicto Domino Regi 40 li. de Catallis, terris, et tenementis suis, ad opus dicti Dom. Reg. levand. sub conditione indorsata, viz.*

The condition of this Recognizance is such, That if the within bounden *A. B.* shall and will personally appear at the next Gaol-delivery to be holden in the said County of *D.* and shall then and there preferre a bill of of Indictment against *N. H.* for a felony which he hath committed, *viz.* for stealing of divers parcels of Linnen Cloth, and shall there give in evidence against the said *N. H.* as well to indite, as to finde him guilty of the said felony, that then, &c.

A Recognizance against one as his Accessary.

The Recognizance, ut supra.

The Condition, &c. that if the above bounden *R. L.* &c. *J. S.* or either of them, shall and will personally appear

at the next Gaol-delivery to be holden for the County of H. and shall then and there give evidence against T. S. of K. Yeo. and M. his Wife, as well to indict as to finde them guilty of a felony which is laid to their charge, viz. against the said T. S. for breaking the house of T. L. in H. aforesaid, and stealing out of his house his goods; that then this Recognizance against him or them onely that shall appear and do as aforesaid, to be void and of none effect, &c.

Of Records.

IN the construction of the Law a Record is, the remembrance or Registter of things done, before Judges that are impowered, and have authority to do them.

So high is the excellency of a Record, that there shall be no averment against it, to avoid confusion. A Judge may correct a Record in the same Term that it is entred, but not afterward.

In some respect, the Record of a Justice of Peace is of greater authority then the Indictment of a Jury, and none shall be suffered to traverse it: And the embezeling of a Record is felony; but out of the Justices of peace power to try it, but the Judges at *Westm.* only can try it.

The Precepts of Justices for surety of the peace, or Returns in forcible entry, are not Records, if they be made out of Sessions. *Vide Lamb.* 398.

Where any shall plead a Record before other Justices, the Justices ought to give day for the bringing in of the Record.

Whereas the embezeling a Record in others is felony, yet in a Judge it is but misprision. *Brook. Coron.* 274. & *Treason* 30.

He that shall embezel a Record either the Writ, Processe, Pannell, Return, or Warrant of Attorney, in the Chancery, Kings Bench, Common Pleas, Exchequer or

Treasury,

Treasury, it is felony in the parties, their counsellors, abetters or procurers.

Any Justice of Peace being convicted by the oath of 12 men, of the embezeling of any Record, wittingly and willfully, razing a Record, or making that no Indictment that was found one, or changing that which was trespasse into an Indictment of felony; loseth his office, and shall be fined and imprisoned according to his offence.

Of Recusants.

BY the Statute of 1 *Eliz. ca.* 2. Recusants that shall wilfully absent themselves from Church 12 moneths, being convicted, and of 16 years of age, shall be bound to the good behaviour, upon one Justices Certificate, into the Kings Bench; besides the penalty of the 23 *Eliz.*

The Justices of peace ought to give notice to any to forbear to entertain those into their houses that come not to Church a moneth together, 35 *Eliz. ca.* 1.

He that is Heir to any Recusant, being a Recusant at the death of his Ancestor, that doth conform himself, and take the Oath of Supremacy, 1 *Eliz.* before the Bishop or the Archbishop where he lives, shall be free from penalties of the Ancestor, 1 *Jac. ca.* 4.

Where the Heir of a Recusant is under 16 years at his Ancestors death, & at or after 16 yeers becomes a Recusant, till conformity aforesaid, he shall not be freed from the penalties of his Ancestor, *per idem Statutum.*

Where two parts of Recusants lands are seised, for payment of 20 *l.* a moneth, the third part shall descend to the heir, and not be charged and the other 2 parts shall be in the Kings hands, till the King is satisfied, *ibidem.*

The Estates that are in trust for any sent beyond Sea to *Rome*, to be brought up in Religious houses, are voyd: and those that have the tuition of any sending them to be educated in Popery, lose 100 *l.* And they that go with them,

them, not returning in a yeer, and ſubmit themſelves, are diſabled to purchaſe or take Lands or Goods, in the Kings dominions, till they conform themſelves.

Where any Juſtice ſhall forbear to certifie at the next Seſſions the Oaths taken of ſuch as are reconciled to the See of *Rome*, if he ſubmit not at his returning into this Kingdom, forfeits 40 *l.* 3 *Jac. ca.* 5. And all forfeitures upon 1 *Jac. ca.* 4. againſt Recuſants, one half to the King, the other to the Informer, *ut ſupra.*

That Recuſant that ſhall come to Church according to the Law, and is afterward convicted for not receiving the Sacrament once a yeer, the firſt offence is 20 *l.* the ſecond yeer 40 *l.* the third yeer 60 *l.* If he afterwards receives the Sacrament, and offends again; the penalty is 60 *l.* one half to the King, the other to them that ſhall ſue in any of the Kings Courts at *Weſtminſter*, or at the Aſſizes or Quarter Seſſions.

The Clerk of the peace, upon pain of loſing 40 *s.* is to record the preſentments of Church-wardens and Conſtables, for Recuſants not comming to Church once a moneth, without fee.

If the High Conſtable or petty Conſtable preſents not yeerly all Recuſants not coming to Church monethly, he forfeits for every default 20 *s.* with the names of their ſervants and children, above 9 yeers old: and thoſe that are convicted, the penalty of 40 *s.* is to be levyed out of their Goods by 3 *Jac. ca.* 4.

For not coming to Church according to the Statute, and receiving the Sacrament, the Juſtices may make proclamation at the third Quarter Seſſions, that they render their bodies to the Sheriff before the next Quarter Seſſions, or at the Aſſizes; and in default thereof it ſhall be a ſufficient conviction, *ut ſupra.*

All Popiſh Recuſants that are convicted for not comming to Church according to the Statute, ſhall in *Eaſter* or *Michaelmas* Term next after the conviction, pay into the

Kings

Kings Receipt 20 *l.* a moneth, to continue without any other indictment; till that he conformes himſelf. In default of payment, all his Goods and two parts of his Lands ſhall be ſeiſed, till he conforms; leaving the Manſion houſe to the third part, 3 *Jac. ca.* 4. And the two parts ſo ſeiſed the King may not let to any Recuſant, nor to their uſe. Security ſhall be given to the King not to commit waſte, *ibid.* Neither ſhall any that are indicted avoyd it for form wanting in the indictment, untill conformity; and the Juſtices of Peace may hear and determine all offences againſt the Statute 3 *Jac. ca.* 4. except Treaſon. The Attainder of felony upon the Statute ſhall be no barre to Dower, neither any corruption of blood: and any that ſhall be troubled in the proſecution of this Statute, may plead the general iſſue, and give the ſpeciall matter in evidence.

The husband ſhall not be charged by this Statute with the wives forfeiture for not receiving the Sacrament, nor the wife after the husbands death.

Any Recuſant that ſhall preſume to come to Court, the King being there, or his heir apparent, without the Kings command, or Councel, forfeits 100 *l.* the one half to the Informer, 3 *Jac. ca.* 5.

Recuſants convicted or any other forbearing to hear Divine Service by the ſpace of 3 Moneths, now inhabiting *London*, or 20 miles (except Tradeſ-men having no other dwelling) to depart within 40 dayes: if they come to inhabit there 3 moneths, to depart within 10 dayes after conviction, or to deliver their names to the Lord Maior or next Juſtice of Peace of the County, or forfeit 100 *l.* the Moity to the Proſequutor, 3 *Jac. ca.* 5.

Thoſe that ſhall refuſe any Sunday to come to ſome uſual place appointed for Common Prayer, there to hear Divine Service within a moneth, upon conviction, default, confeſſion, or Oath of one witneſſe, the Juſtice may call the Offender before him: if the Juſtice is not ſatisfied

with the excuſe, he ſhall grant his warrant to the Church-wardens to levy 12 *d.* for every default by diſtreſſe and ſale of their Goods, or in want of diſtreſſe the Juſtices may commit him till he pay, and to the uſe of the poor the Money is to be employed.

They that ſhall keep or retain in their houſes any (except Parents, or others to whoſe cuſtody they are committed) that come not monethly to Church, without ſome juſt excuſe, loſe 10 *l.* a moneth.

There may be a licenſe granted by the King or Lords of the Privy Councel, by writing under their hands to Popiſh Recuſants confined 5 miles, to goe 5 miles, for ſuch time as is ſpecified in the Licenſe, without putting in the cauſe, *per* 3 *Jac. ca.* 5.

Where any Recuſant convicted ſhall repair to four Juſtices that he hath occaſion very urgent to travel above 5 miles from his abode, taking his Oath before them, that he will not without cauſe ſtay longer then the neceſſity of his buſineſs requires, may with the aſſent of the Biſhop or Deputy Lievtenant of the County, under their hands and ſeals, ſpecifying in the Licenſe the occaſion and time of travel, licenſe any to travel forth of his compaſſe: all other Licenſes to be void, and all Recuſants not having taken ſuch Oath, ſhall forfeit as a Recuſant convicted. *Vide* 35 *Eliz.* 2. Any of the 4 Juſtices may give the Oath 3 *Jac. ca.* 5.

By the Statute 3 *Jac. ca.* 5. Recuſants convicted, ſhall have no Office in any Court at *Weſtminſter*, nor practiſe the Civil or Common Law, nor execute any Office or place of truſt, nor Office of Warre, or in any Ship, Caſtle or Fortreſs of the Kings, on the penalty of 100 *l.* one half to the King, the other to the Informer, 3 *Jac. ca.* 5.

Neither ſhall any execute any publick Office or Charge, whoſe wife is a Popiſh Recuſant convicted, during her Recuſancy, 3 *Jac. ca.* 5.

A married woman being a Recuſant convicted, although

the

the husband is not convicted, nor conforming her self according to the Statute, forfeits 2 parts of her Dower or Joynture, and is disabled to be either Executrix or Administratrix to her husband, 3 *Jac.* 5. And a Recusant convicted, shall be adjudged an excommunicated person, except in the suing for Lands or Leases not seized into the Kings hands; and where any convicted Recusant is married, and not according to the Ecclesiastical Law, shall not be Tenant by courtesie or in Dower, or by Joynture, or have a Widdow's Estate, or frank Bank, or any part of her husbands Goods, and marrying any by whom he is not Tenant by the courtesie, he loseth 100 *l.* one half to the King, the other to the Informer, 3 *Jac. ca.* 5.

If a Popish recusant shall not baptize his Child according to the Lawes of this Kingdom, whithin one moneth after the birth, if the childe die within one moneth after, the Parents lose 100 *l.* one third part to the King, another to the poor of the Parish, and a third to him that will sue for it, 3 *Jac. ca.* 5.

Any Recusant seized of an Advouson, shall be disabled to grant the same, or to present or nominate any Clerk; but the Living shall be in the Chancellours of either of the Universities, according as it is appointed and limited in the Statute, and to present likewise none that have a former benefice: if they shall, to be voyd, *per idem Statutum.*

Any Recusant marryed under the degree of a Baroness, that comes not to Church and receives the Communion, nor conforming within three moneths after, shall be committed by two Justices one being of the *Quorum*, untill she conformes her self, unlesse her husband for every Moneths default pay 10 *l.* or the third part of his Lands to the King, 7 *Jac. ca.* 6. A Recusant convict shall pay monethly 12 *d.* and 20 *l.*

A Recusant according to the 35 *Eliz.* being of little ability, not going to the place of his birth or last habitation, and not certifying to the Minister and Constable, or

afterwards departing 9 miles from the place of their abode, if being apprehended he conform not within 3 moneths, muſt abjure the Realm, his time and haven being appointed, 35 *Eliz.* 2. Any that ſhall refuſe to abjure or abjuring returns without the Kings Licenſe, it ſhall be felony; and he that ſhall abjure the Juſtices muſt preſently record it, and certifie to the next Aſſizes, 1 *Jac.* 25. And where any ſuch Recuſant convicted is, the Biſhop or Miniſter of the place may require his ſubmiſſion, *ut ſupra.*

No convicted Recuſant ſhall be Executor, Adminiſtrator, or Guardian to any: the Guardianſhip ſhall go to the next of kin, to whom the Land ſhall not deſcend, being no Recuſant, accompting to the heir as the caſe requires, 3 *Jac. ca.* 5.

Where any Recuſants have Armour or Munition, four Juſtices by their Warrant may take it away and ſend a warrant from their Quarter Seſſions, unleſs neceſſary weapons for their own defence: and it ſhall be kept where the Juſtices ſhall appoint, at the coſts of the owners, and if they refuſe to notifie to the Juſtices where it is, or will not deliver their Armour, to forfeit the ſame, and to ſuffer impriſonment three moneths without Bayl.

Of Releaſes.

WHere one is commanded by a Juſtice to give ſurety of the peace of his own motion, till ſuch a day, he may releaſe it before the day if he pleaſe; but where one is bound to keep the Peace, and no time aſſigned, it is during life, and none can releaſe it but the King. *Brook. Peace.* 17.

Where the Peace is granted againſt one, the party that deſired it, may releaſe it before that Juſtice that took it, or any other, if the Juſtices will certifie; and this Certificate will releaſe the party bound to appear at the next Quarter Seſſions, and ſave his Recognizance.

Where

Where a Recognizance is taken by the diſcretion of the Juſtices or upon ſuit, the King cannot releaſe it before forfeiture; and when the Peace is releaſed, the Recognizance ſhall not be cancelled, but certified at the next Quarter Seſſions, becauſe it may be the peace was broken before the releaſe.

A Recognizance cannot be diſcharged by the Juſtice, nor the party, for he is bound to the King, none but he can releaſe it; and it is taken for the appearance of the party, and the releaſe cannot diſcharge the appearance. *Brook t. Peace* 17.

The common uſage at the Seſſions is, if the Juſtices certifie the releaſe, the party obligated is diſcharged: for the principal cauſe of the Recognizance was the keeping of the Peace, and that being diſcharged, the appearance is but an Acceſſary thereunto; and if the party to whom he is bound will not releaſe, the only intent is, that he ſhould finde new ſecurity.

Of a Reſcous of a Felon.

RE*ſcous* in Law, is to help a Felon to make his eſcape: If in priſon for felony, it is felony in the Reſcouſer; but the Reſcous before a Felon is arreſted, is no felony, but after it is. *Vide Stamf.* 31. The reſcouſing one going to Gaole is felony, and it is felony to reſcous one againſt whom a warrant is granted for unlawfull hunting Deer or Conies.

He ſhall be bound to his good behaviour that makes a Reſcous againſt any Officer, that is appointed for the execution of 39 *Eliz. ca.* 4. and forfeits 5 *l.*

Where a ſtranger, with the conſent of the priſoner being for felony, this by the Common Law is felony in the Reſcouſer; and he is Acceſſary by the Statute. See *Magna Charta de Priſonam frangentibus.*

Where one is in the Stocks upon ſuſpicion of felony,

it

it is felony in any that shall let him out, though he that escaped was not indicted.

Of Restitution of Possessions.

NOne shall have a Writ of Restitution but they that are put out of their Houses or Lands; and where any have held Houses or Lands contrary to 8 *Hen.* 6. *ca* 9. the Justices may put him in possession again; but first the outing of possession must be found. Yet there shall no restitution be made where there was only a possession in Law, and in a Restitution to find the parties outing, unlesse the Indictments contain in it, [*& adhuc extratenet.*]

Restitution can be made to none but the partie outed, and after Justices have found the force, he may himself, or the Sheriff, give a Precept under the *Teste* of himself, to have the partie restored.

No other Justice can make restitution but they before whom the Indictment is found, except the Justices of the Kings Bench, to whom it is certified: And where the Indictment is defective either in matter or form, Justices can award a Writ of possession, and in the Indictment there must not be named only an Entry, but a putting out and it must expresse the nature of the thing where it is, Land, Wood or Pasture, and must say, *& adhuc extratenent & expulerunt*; and likewise there must be in the Indictment one of these two words, [*Manu forti, vel, Multitudine.*]

Where error or insufficiency is in the Indictment taken before the Justices of Peace, and restitution awarded, any two present at the taking, may at another Sessions, or without, award a *Supersedeas* if restitution be not made; and if the Justices make it upon an insufficient Indictment, if it be removed into the Kings Bench, that Court will restore the party to his possession again.

There

There are many Causes to stay a Restitution.

THere shall be no Restitution upon an Indictment, if the indicted hath been in quiet possession 3 years next before the day of the Indictment found, his Estate not ended: which the party may alledge for stay of Restitution, till tryed, if the other will traverse or deny the same, 31 *Eliz. ca.* 11.

A Traverse, Certiorari, insufficiency of the indictment, insufficiency of Jurors, not having according to the Statute 40 *s. per an.* may be caused to stay the restitution of the possession. *Vide Lamb.* 152.

A Justice of peace may give restitution as formerly to Free-holders, to Tenants for yeers, by Copy of Court Roll, Guardians in Knights service, Tenant by *Elegit*, Statute, Merchant or Staple, 21 *Jac. ca.* 15.

Where the Disseisee entreth peaceably and keepeth out the Disseisor by force; the Disseisor shall not be restored, because the Disseisor had the younger title; yet the Disseisee shall suffer imprisonment, because he held with force.

A possession may be preserved by having servants, children, or any for them, either in the house, or on the Land; but Cattle on the ground cannot keep it.

Of the Restitution of stolen Good.

WHere Goods are stolen, if the felon be indicted and arraigned, and found guilty; or any wayes else attainted, by reason of evidence given by him that was robbed, or by his endeavour; though he never make fresh suit or Hue and Cry, yet he shall have his goods again; and the Justices have power to award a Writ of Restitution, 21 *Hen.* 8. *ca.* 11. *Brco. Restitution* 22.

If three are robbed, he only shall have his Goods at whose

whose suit the felon was indicted; and likewise where there are divers Thieves, one Principal is attainted, the Owner shall have restitution: but if they were sold in an open Fair or Market, there shall be no restitution, unless the buyer knew the goods were stolen: neither where the felon waiveth the Goods, and the Lord of the Mannor seiseth them: yet if the felon had not the goods with or about him, they are not waived; but the Owner may take them wheresoever he findes them, *Cokes 5 part.* 109.

One had his horse stolen, and he proclaimed it, but knew not who it was, so that he could not tell who to indict; it seems he can never gain his horse again. It was his folly to publish it as a stolen horse, for he might have made a demand of it as lost; and when he knew who took his horse, he might have his action against him.

Of Robbery.

RObbery is when any one with force takes any thing from a mans person, with an intention to steal it, putting the party in dread and fear: though the thing taken be but to the value of a peny, it is death by the Law without Clergy.

Where a Thief assaulteth me, and takes nothing from my person, yet if he in that assault takes any thing, it is robbery; As, by his threatning I cast my Purse on the High-way, and he takes it, and after assault intreats me to give my money to him, and I do it; If I fly from a Thief, and cast my Purse in a hedge, and he findes it and takes it; or if in flying my Cloak or Coat falls off, and the thief takes it; in all these, it is robbery. It is robbery in some cases, though he assault me not, nor take any thing from my person;

As where a thief takes my goods from me in my view, against my will, the fear is all one as if he had taken it from my person; as if a thief take my Cattle out of my

grounds

grounds in my presence, and puts me in fear: for to make it robbery, he must put me in dread. *Vide Crompt.* 34.

Two come to rob me, one acts it being not in view of the other, and after they meet together and share it, is is robery, in both, 28. *Eliz. Pudseys Case.* But where one assaults one, and takes nothing, it is not robbery.

Where a robbery is committed, if the thief be not taken within 40 dayes, the Hundred shall make satisfaction; if in two Hundreds, both Hundreds must answer the losse, and the Franches within them; and the Hundred where no Hue and Cry is, one half, 27 *Eliz. ca.* 17.

No man shall bring an action upon the Statute of Hue and Cry, except he be examined within 20 dayes before the action brought upon his Oath before one Justice of the County where the robbery was done, That he knowes not the robbers. If he confesse he knowes any of them, he must enter into Recognizance to prosecute them, before he can bring his action according to Law, 27 *Eliz. ca.* 13.

After the robbery committed, he must give notice to some inhabitants of the Hundred with all convenient speed, and he must begin his action within a yeer and a day after the robbery, he must be examined before the next Justice of Peace; and the two next Justices, one of the *Quorum*, upon a recovery against the Hundred may assesse all Towns, Parishes, and Liberties within the Hundred for an equal Tax: the Moneys the Constable must deliver to the Justice so collected, within 10 dayes after, and they upon demand to the party robbed, and the Hundred shall be assessed upon default of Hue and Cry and fresh suit: but a robbery in a house the Hundred shall not be chargeable for, were it in the day or night; and the Hundred shall be discharged upon pursuit taking any of the offenders.

Of

Of Robbery in a House.

ANy that shall commit a Robery in a house, Out-house, Barn or Stable, taking to the value of 5 s. or robbing a house in the day or night, putting any person therein in fear; Robbing any one in a part of his dwelling house, any body sleeping or waking in any part thereof:

Also robbing any Booth or Tent in Fair or Market, any person being therein, asleep or awake: All these Offences shall suffer the same punishment as Burglary, 21 *Hen.* 8. 5 *Edw.* 6. *ca.* 9. 39 *Eliz. ca.* 15.

Of Rogues.

ANy guilty of the Crimes or Offences hereafter expressed, may by the Statute of the 39 *Eliz. ca.* 4. be punished as Rogues. All going about wandring or begging, though licensed (except in some cases) may be punished as Rogues.

All using any unlawfull Games or subtil Art, Mysterie, or Craft to deceive the People, as Fortune-tellers, or Stage-players not licensed; all Parent-gatherers, Proctors, Collecters for Prisons or Hospitals.

All Fencers, Bearwards and Fidlers, wandring abroad; all Pedlers, petty Chapmen, Tinkers and Glasse-men, wandring abroad, 1 *Jac. ca.* 7.

All wandring Labourers of able bodies, refusing to work for reasonable wages, having no maintenance but their labour to support them; But such as are of any Parish, able to labour, and doe not wander, refusing to work for the accustomed wages in those parts, shall be sent to the house of Correction; and likewise the poor of the Parish, begging otherwise then it is appointed them, or in the High-wayes, are to be sent thither; all pretending to be *Egyptians*, not being felons.

Souldiers

Souldiers or Mariners that ſhall be taken begging, except ſuch as have a teſtimonial from a Juſtice neer the place of their landing, with the name of their dwelling to which they are going, and the limitation for their travel, and purſuing their Licenſe according to the 39 *Eliz. ca.* 4. or counterfeiting a Certificate from any of their Officers, the Statute terms Rogues.

All perſons diſeaſed going to the Baths, though licenſed, if they begg; or not licenſed by two Juſtices, if not returning within the limitation of their time.

Servants departing their ſervices without teſtimonial, or counterfeiting one; Perſons infected with the Plague, or inhabiting infected houſes going abroad contrary to order, 1 *Jac. cap.* 31.

Perſons able to labour and relieve themſelves and Families, that run away, and threaten to leave them upon the Pariſh, 7 *Jac. ca.* 4.

Any calling himſelf a Scholar, and goes about a begging; any delivered out of the Gaol, that hath begged for Fees.

Any Juſtice may command any of theſe perſons to be openly whipped, that ſhall be thus taken wandring, or miſgoverning themſelves, and are declared by the 39 *Eliz. ca.* 4. to be Rogues, Vagrants or ſturdy Beggars, and ſhall cauſe them to be whipped, and ſent from Pariſh to Pariſh, to the place where they were born, or the place they laſt dwelt in; if not to be known, to the Pariſh they laſt paſſed through without correction: And the Juſtice ſhall make a teſtimonial under his hand and ſeal, of his puniſhment, of the day and place, and whither he is to travel, and the time limited. And in caſe the place of his birth cannot be known, then he ſhall be conveyed by the officer of that place through which he paſſed without puniſhment, to the houſe of Correction or Common Gaole, there to remain in work till he be placed in a ſervice for a yeer; not being able of body, till he be placed in a Almes-houſe of that place or County.

The

The Law accompts him an incorrigible Rogue, that falsely sets down the place of his birth, or last place of habitation, and the Constable with the advice of the Minister may send him to the house of Correction, if there be none, to the common Gaol till the next Sessions.

Where a woman and her children are taken begging or wandring, they are to be placed with the husband, if dead, to the place of their birth or last abode.

Wandring Children with their Parents under 7 yeers old, being settled at the place of their birth or last dwelling, their Parents dead or running away, the Children once settled, must remain there, and the wife wandring shall be sent to the husband, though he be but a servant.

A Rogue that will not discover his place of birth or dwelling and it cannot be known, having wife and children under 7 yeers old, must be sent to the place where last they were suffered to passe unpunished; and if the Parents be sent to the house of Correction, they must be relieved by their wo[illegible]

Where a Rogue is sent to a Town, and the Overseers and Church-wardens refuse to take him, the forfeiture is 5 l.

He that shall binde the convey of Rogues, according to the Statute of 39 *Eliz.* forfeits 5 l. and 2 Justices may binde him to the good behaviour that shall offend therein: upon the Offenders confession or the oath of two witnesses, a Justice by Warrant under his hand and seal, may cause the said penalty of 5 l. to be levyed by distresse, or sale of the offenders Goods, 39 *Eliz.* c. 4. And a Rogue having got a centrall Pasport, if he continue it, shall be whipped: And all questions growing upon the Statute of Rogues, may be heard and determined by two Justices, one of the *Quorum*.

Where any Constable or Tything-man shall neglect his Office in the apprehension of Rogues, or willfully give way for their escaping without punishment, he forfeits

forfeits for every offence 20s. And if he convey them not to the place of their birth or last abode, he shall lose £4. 1 *Jac. ca.* 7. And the Minister not registring the testimonial of their punishment in his Parish, forfeits for every default 5 s. And every Constable is to carry such beggars, as come to their dores for Almes, to the Stocks upon pain of 10 s. 1 *Jac. ca.* 7.

Justices are to meet twice a yeer, or oftner if occasion require, in their several Divisions for the execution of the Statute of Vagabonds: and some time before the Justices sit, the Constables shall make a search by night in all the Towns and Parishes within their Hundred, for the apprehending of Rogues, and bring them before the Justices to be punished, or sent to the house of Correction as they deserve, 12 *Jac.* 28.

The Constables at the Justices meeting, for the executing of the Statute, must give an accompt upon their Oaths in writing, and under the hand of the Minister of the Parish what Rogues they have taken in their search, and how many they have punished, and sent to the house of Correction; and in default thereof pay 40 s. to be assessed by most of the Justices, and none but vagrant Rogues shall be put out of the places where they live, or sent to the places of their birth; not those whose time in their houses are ended, or servants whose times are expired; for they must provide them other houses, and servants new services, if not impotent: And dangerous Rogues are be banished, or to be condemned to the Gallies by the Justices at the Quarter Sessions, 39 *Eliz. ca.* 4.

Those Rogues that the Justices condemn as incorrigible at the Quarter Sessions, shall be branded with the Letter *R.* and then to be sent to the last place they lived in by the space of a yeer; if not known, to the place of their birth; if taken afterwards begging, or wandring abroad, it is felony without clergy, 1 *Jac. ca.* 7.

Mariners or Souldiers having a testimonial und & the

hand

hand of the next Justice where they landed, the time being limited to the place where he is to goe, may ask relief in his travel, 39 *Eliz. ca.* 17.

Two Justices may send any sturdy Rogue to the house of Correction, if he be able to work, threatning to leave his charge upon the Parish, being proved by the Oath of two witnesses, before the said Justices, unlesse he put in sufficient security to the Parish, for their discharge, 7 *Jac. ca.* 4. And the Law terms that man an incorrigible Rogue, that runs away, and leaves his charge upon the Parish, and he shall be punished according to the Statute, 7 *Jac. ca.* 4.

Of a Rout.

A Rout is where three or more persons meet, to commit some wrong with force, whether they effect their purpose or no; if they move or go forward, to put it in execution, it is in the intendment of Law a Rout: Or it is, where three or more assemble themselves, of their own heads in a tumultuary manner, without any order of Law, to pull down a house, wall, pales, or ditch, or any other inclosure, pretending to have a title to a Common, or way there; or to beat any man.

Of Sacriledge.

Sacriledge is the taking away any thing with a felonious intent, either in Church or Chappel, as the Communion Cup, or any other thing in the Church, or any Ornaments there: and it is death without Clergy, as you may see *Lamb.* 420.

Of the Sacraments.

Where any deprave the Sacrament of the Lords Supper, any 3 Justices may take the examination upon Oath,

Oath, and 2 witnesses shall be sufficient to condemn those that have offended; and the Justices must binde them all to give evidence at the trial; and those that are found guilty, shall be imprisoned and fined *Vide* 1 *Edw.* 6. *ca.* 1. And any three Justices, one of the *Quorum*, are impowered to award *Capias Exigent.* and *Capias Utlagat.* in any Shire where the Offenders shall be, that have abused the Sacrament.

The Justices of Peace in their Quarter Sessions, may enquire, hear and determine, all persons that have offended, as well for not receiving the Sacrament, as not coming to Church; and they shall be indicted in the Sessions for not coming to Church, or not receiving the Sacrament; to make proclamation to render their bodies to the Sheriff before the next Sessions, or else to be convicted, 3 *Jac. ca.* 4.

Of Schoolmasters.

WHosoever shall maintain or keep a Schoolmaster, that comes not to Church or that is not allowed by the Bishop or Ordinary of the Diocesse, the maintainer loses for every moneth 10 *l.* and the Schoolmaster shall lie in prison a yeer without bayl and be utterly disabled for ever, 23 *Eliz. ca.* 1.

And any keeping a School, or being a Schoolmaster out of the University, except a publick Grammar-school, and such as teach Noble-mens and Gentlemens Children in their houses, not being Recusants, and are licensed by the Archbishop, or Guardian of Diocesse, the Keeper, and Schoolmaster forfeits 40 *s.* a day, 1 *Jac. ca.* 4.

Of Sectaries and Seditious Persons.

ONe Justice of Peace may require of any seditious sectary or Popish Recusant, according to the 35 *Eliz.* ca. 2. his submission to conformity, and if he submits not, may

may require him to abjure the Realm; if he then refuse, or after return, not having a License, it is felony, 35 *Eli. ca.* 1, & 2.

Of the Sessions of the Peace.

THe Sessions of the Peace is thus defined, To be an Assembly of two or more Justices, one being of the *Quorum*, at a certain day and place limited and appointed within their Commission, to enquire by a Jury, or otherwise to take knowledge, thereupon to hear and determine causes according to their Commission, and the Statutes that referre themselves to their Judicature; as you may read in *Lamb.* 378.

A Sessions may be kept without any Writ of summons, but the non-appearance of any forfeits or loseth nothing; the ancient course is by Precept to the Sheriff, and he is to make a return of it at Sessions. A summons of the Sessions may be made by any two Justices one being of the *Quorum*, but the *Custos Rotulorum* cannot do it alone; and the Justices *Supersedeas* cannot discharge the summons, but it must be done, by a *Supersedeas* out of the Chancery.

Where a Sessions is held by one Justice it is not good though summoned by two putting their names to it; but two may, one being of the *Quorum*, though three names be to it. *Vide Lamb.*

By the Statute of the 2 *Hen.* 5. *ca.* 4. Quarter Sessions must be 4 times a yeer, the first week after St. *Michael*, the *Epiphany*, the clause of *Easter*, and the translation of St. *Thomas* the Martyr. By the Statute of 33 *Hen.* 8. *ca.* 10 *Easter* Sessions are to be held the Tuesday next after *Low Sunday*, 36 *Edw.* 3. *ca.* 12. Lee *Trompt.* noteth the Statute 12 *Rich.* 2. *ca.* 10. that it is by that Statute ordained, that the Sessions be held quarterly at the least, and three dayes, if need be, thereby it appears the usual day not of necessity.

And upon the Statute 19 *Rich.* 2. 9, they may keep Sessions as often as need shall require: and in *Kent Crompton* saith, they keep their Sessions at other times then is appointed by the Statute, 2 *Hen.* 5. *ca.* 4. and it is good.

The place for keeping the Sessions is arbitrable, and though they summon the Sessions at one place, and keep them in another, yet it is good; but then there can be no amerciament in default of appearance; And where in the same County at one time two Sessions are summoned at several places, yet good; and the appearance at one place shall excuse the default at the other, and presentments taken at either are lawfull.

At a general Sessions all businesse wherein the Justices are authorized, either by their Commission, or by the Statutes, must be given in charge, but not at a special Sessions, and it may be held 3 dayes, 12 *Rich* 2. *ca.* 10.

There be divers owe their attendance at the Quarter Sessions, as the *Custos Rotulorum*, whose attendance may be in person or by deputation, the Clerk of the Peace, Sheriff, Coroners, Ministers, Bailiffs of the Franchises, Constables of Hundreds, the Ordinary, Jurors for enquiry and Triall.

Either by the Statute or by the power of their Commission, Justices of Peace may keep a special Sessions, 2 *Hen.* 5. *ca.* 4. Most commonly a special Sessions is upon extraordinary matter, and not for the general service of the County,

Where any two Justices, one being of the *Quorum*, send a summons to the Sheriff, for a Sessions to be kept at such a day and place, and to return a Jury before them; none but the King by his Writ of *Supersedeas* can discharge it.

And where a Justice by his Precept commands one to appear at the next Sessions, who do not, no *Scire facias* shall go out to warn him any more, but a *Subpœna*, yet he

may be attached upon a contempt, *Crompt.*

There shall none be arrested or molested, that are compelled to come to Sessions, for the publick employment: for upon complaint or examination of the matter, upon oath, they shall be set at liberty,

Where a Justice shall have any violence used to his person as he is going to Sessions, he may record a force, and that record shall be their conviction.

Of the Commission of Sewers.

WHen any Commission of Sewer is ended, any 6 Justices, one of the *Quorum*, may execute the Lawes that are provided for the Commission of Sewers, for a whole yeer after, if a new Commission be not taken out in the *interim*, as you may see *Crompt.* 190.

Of Transportation of Sheep.

THe transportation of Sheep, without License, the second offence is felony in the Transporter and Procurer, 23 *Hen.* 8. *ca.* 16.

Where any shall bring to receive into any Ship any live-Sheep, to be transported out of the Kings Dominions, or he that shall procure the same, forfeits his goods, imprisonment for a yeer, and in the open market shall lose his left hand, 8 *Eliz. ca.* 3.

None shall keep above 2000 Sheep of all sorts, if he offends herein, according to the Statute, his forfeiture is 3 *s.* 4 *d.* for every Sheep, 28 *Hen.* 8. *ca.* 13.

Of Sheriffs.

THe *Custos Rotulorum*, or the eldest of the *Quorum*, in his absence, at *Michelmas* Sessions shall appoint two Justices, one of the *Quorum* to have the controlement of

the Sheriff, under-Sheriff, their Officers and Deputies, and to have the perusal of their Books and Amerciaments in their County-Courts, and either of these two Justices, or one of them, may examine the Sheriff, or under-Sheriff and Plaintiff, concerning the entring of Plaints in their Court-Books, against the Statute 11 *Hen.* 7. *ca.* 15.

Where any Plaint shall be entred in their books, the Plaintiff or his Attorney, not being in Court, if he find not Pledges sufficient to pursue his plaint, well approved of that County; if he enter more Plaints then one in a Trespass or Contract; or entring more Plaints then the Plaintiff hath cause of action against the Defendant, and upon any default the Justices shall find it, it shall be a conviction, and the forfeiture is 40 *s.* to the King, and to the Informer that shall sue: and the Justices shall, within three moneths after certifie the examination; and so for Baliffs of Hundreds, in not warning the Defendants to appear.

Sheriffs shall not make out any Estreats to levy the Amerciaments, till two Justices have had the perusal of the Books; and the said Indentures shall be sealed between the Sheriff and the Justices concerning the fines and amerciaments that are to be estreated out of the Exchequer, and may likewise examine the defaults of Collectors of Sheriffs Amerciaments; they finding of defaults, it shall be a conviction of 40 *s.* certifying the examination into the Exchequer.

The Sheriff must be at Sessions to return his Precept and keep his Prisoners.

All Sheriffs by the Statute of 23 *Hen* 6. *ca.* 10. forfeit 10 *l.* and treble damages, that shall let his Bailiwick or Hundred, or returns into his Pannels any Bailiff, Officers servants or subservants; or refusing to bayl those that are baylable, offering security; or that shall take an obligation by colour of his Office, but to himself only, upon condition to appear according to the Writ or Warrant; or

that takes above 20 d. for Arrest, for Warrant or Precept 4 d. or above 4 d. for returning a Pannell; or a Gaoler that takes above 4 d. for one committed to ward upon an Arrest upon an Attachment.

That Sheriff that shall levy any of the Kings debts without shewing the Estreats under the Chequer Seal, shall be fined, and pay treble dammages to the party, 7 *Hen.* 4. *ca.* 3. 42 *Edw.* 3. *ca.* 9.

That Sheriff loseth 10 *l.* that shall by himself or any of his Officers, arrest, imprison, or levy any Amerciament, by reason of an Indictment or Presentment made in the Sheriffs turn, without processe first obtained out of the Sessions by the Justices or not brought in such indictment or presentment to the Justices at the next Sessions, or that shall return any Writ or Juror, without true addition of the place of his abode, or within a yeer next before that same addition might be known, forfeits 5 Marks to the King, and as much to the party, 27 *Eliz. ca.* 7.

That Sheriff or Gaoler denying to receive felons by the delivery of a Constable, or Town, or having taken any thing for the receipt of such, shall be fined 4 *Eliz. ca.* 10.

That Sheriff or other his Officer that refuseth to pay the moiety of the penalties of the Statute concerning the forfeitures of Alehouse-keepers, 4 *Jac. ca.* 4 unlicensed, forfeits double the value.

When a Justice of Peace is chosen Sheriff, his authority *pro tempore* as Justice, is suspended during his Sheriffwick.

Of Souldiers.

ANy Souldier that shall be sent with Horse or Arms that purloyns or embezles either Horse or Arms, upon complaint to a Justice shall be imprisoned without Bayl, till satisfaction, unlesse formerly punished by his Generall,

Generall, or other; or that he can make it appear forthwith in writing under seal, the lawfull losse thereof, 2 & 3 *Edw.* 6. *ca.* 1.

It shall be felony in any Souldier passing off this Kingdom beyond the Seas not having taken the Oath of Allegiance before, by the Officer that is appointed for that purpose, 3 *Jac.* 4.

Any that is a Gentleman, or of higher degree, or Captain or other Officer in Camp, passing to serve any forain Prince, &c. before he be bound to the King, with two sureties, before the Officer appointed, not to be reconciled to the Pope; or consenting to any conspiracy against the King, but to disclose all upon knowledge thereof, it is felony: And if a Souldier having taken Presse-money shall depart, it is likewise felony, 2 *Hen.* 8. *ca.* 1. 3 *Hen.* 8. *ca.* 5. or if they depart without License, having served in the Kings Wartes; And so also in Mariners and Gunners, that having taken Presse-money and departing without License, having served the King in his wartes, unlesse they have a License from their head Officer, or other Commander in chief, 5 *Eliz. ca.* 5.

In many other cases, as these ensuing, Mariners and Souldiers become Felons, as you may see by the 39 *Eliz. ca.* 17. such as hander up and down in an idle life, or that are come from Sea, and do not repair to the next Justice where they landed, to have a testimonial to go to the place of their birth or last abode, or having a testimonial, and the time limited for their travel, and then do exceed it, it is felony; or to have a forged testimonial, knowing it, or to forge one, or being retained departing without license of his Master, in all these cases, it is felony.

Any poor Souldier or Mariner that hath suffered shipwrack may repair to the next Justice where he landed, for a license to pass to the place of his birth or last abode, and ask relief in his travel according to the time limited him, 39 *Eliz ca* 17.

The

The greater part of the Justices may tax any Parish, for the relief of maimed Souldiers at the Sessions next after *Easter*; no parish being above 10 *d.* and under 2 *d.* weekly to be payd, so as the total sum in any County where there shall be above 50 Parishes, do not exceed 6 *d.* for every Parish.

The Taxes shall be assessed by Assessors amongst themselves; in default of that, by the Church wardens and petty Constables or the greater part of them, in default thereof, by the Justices, or Justice of Peace dwelling there; if none, in the parish next adjoyning, 43 *Eliz. ca.* 3. In default of payment, the Chruch-wardens or petty Constables shall levy it by distresse and sale of Goods, *Statut. ubi supra.* The Church-wardens and petty Constables are to pay their Collection 10 dayes before every Quarter Sessions to the High Constable; and the High Constable every Quarter Sessions to the Treasurer. The Church-wardens and petty Constables in default of payment forfeits 20 *s.* every High Constable 40 *s.* to be levyed by the Treasurer, by distresse and sale of their Goods, 43 *Eliz. ca.* 3.

He that shall be Treasurer for maimed Souldiers, must have 10 *l.* in Lands, or 15 *l.* in Goods, in the Subsidy-book, to be but a yeer, and 10 dayes after *Easter*, to give an accompt to his Successor; for default, or other misdemeanor in his place, to be fined 5 *l.* or above, as the major part of the Justices think fit *Ubi supra.*

Any Mariner or Souldier that hath been maimed in the Kings service, or sick, upon a certificate from the Generall, muster-master, or Receiver of the Muster-Roll, Treasurer or Controller of the County where he was press'd; if not, then to the Treasurer of the County where he last dwelt by the space of three yeers, if he is able to travell so far; if not, to the Treasurer of the County where he landed; he is by him to be relieved till the Quarter Sessions, and then the major part of

the

the Justices may grant him a pension during life, if it be not duly revoked or altered, 43 *Eliz. ca.* 3.

The Pensions that are granted at Quarter Sessions, the Treasurers are to pay quarterly, and upon refusal shall be fined, *per Statut. ubi supra.* And the Pensions of Souldiers and Mariners not to be above 10 *l.* under a Lieutenant 15 *l.* a Captain 20 *l.* 43 *Eliz. ca.* 3, and they may be altered or quite extinguished by the Justices at the Quarter Sessions, *per Statut. ubi supra.*

And all Treasurers must enter the names of all that they pay Pensions to, in a book, with their Certificates, *ubi supra*: And where he will not allow the Certificate according to the 23 of *Eliz. ca.* 3. he must endorse the cause thereof on the Certificate; and if that after a Souldier or Mariner having a Pension, or counterfeiting a Certificate, beggs he loseth his pension, and is accompted a Rogue; and if that Souldier or Mariner cannot be relieved in the Parish that he was born in, by reason that the Taxes are otherwise employed, he shall be relieved in the Parish that he dwelt last in by the space of 3 years, and all the over-plus of the Taxes for the maimed Souldiers, shall be employed to the use of the poor, by the greater part of the Justices at Quarter Sessions, unless it be appointed for future Pensions, *per idem Statutum.*

Of the County-Stock.

THe Parishioners shall choose Assessors within themselves; in default of them, the Church-wardens and Constables for the Taxes imposed upon the Parishes, after *Easter* Sessions, for the relief of the Prisoners in the Kings Bench, *Marshalsey*, Hospitals, and losses by fire, in default of them, any Justice of Peace in the Parish; if none, then in the next: and they may cause the same to be levyed by distresse and sale of their Goods, rendring the over-plus; in default of distresse, may commit them to Gaol till payment, 43 *Eliz. ca.* 1.

In

In the taxing of mens Estates, the best way of Land is the yeerly value, not the quantity, and he that hath Tillage or other Lands in divers parishes, shall be taxed in every Parish accordingly; the Leasor shall not be rated, but the Farmer: No man shall be taxed for his Farm Rents, but the Occupier of the Lands shall be chargeable by Goods; a man may be charged as well as his Lands, but not by both.

A man shall be chargeable for Goods at that place only where the Goods are at the time of the Assessment; and the Constable, and the greater part of the Parishioners giving warning in the Church, by Law may make Taxes. *Coke 2. part 627.* And so may the Church-wardens with some of the Parish for Church Taxes; and where a man is charged by Goods, they must be *Bona Notabilia.*

Of Subsidies.

TWo Justices, where proof that a Subsidy-man hath by fraud escaped his Tax, may lay double the value that he was to pay; and further punishments may be inflicted, as in their discretion they shall think meet.

Of the Sabbath.

ALl persons shall come to their Parish Churches or Chappels, on Sundayes, or other dayes appointed, to hear Common-prayer, and there behave themselves orderly at the time of Divine Service and preaching: every offence the penalty is 12 *d.* to be levyed by the Church-wardens to the use of the poor, by distresse, whether he be Recusant convict or not, 1 *Eliz. ca.* 2. Or else upon complaint to a Justice, he shall grant his Warrant to bring the Offender before him, and upon confession, or oath of one witnesse, cause the Church-wardens to levy the penalty of 12 *d.* for the poor, upon every default,

upon

upon want of distresse to commit him to prison; every Delinquent to be called in question within one moneth after the offence committed, 3 *Jac. ca.* 4.

There shall be no meeting or concourse of people out of their own Parishes, nor any unlawfull sports used, as Bear-baitings, Bull-baitings, Interludes, Common-playes, upon the forfeiture of 3 *s.* 4 *d.* to the poors use; upon view of one Justice confession, or oath of one witnesse, to be levied by Warrant of the said Justice; and in default of distresse, to be put in the Stocks three hours, 1 *Car. ca.* 1.

Any Waggoner, Carrier, Wain-man or Drover, that shall travel upon the Sunday with Horse, Waggon, or any Cattle, the penalty of every offence is 20 *s.* Neither shall any Butcher kill or sell any Cattle upon the Lords day, upon the forfeiture of 6 *s.* 8 *d.* upon the view of one Justice, confession, or oath of two witnesses: the penalty to be levyed by the Constable to the poors use, by any that shall sue for the same at the Quarter Sessions, in the same County, within six moneths, and the third part to have for his pains, 1 *Car. ca.* 1. And likewise he that shall shew Boots or Shoes, with an intent to sell them, loses 3 *s.* 4 *d.* and the value of them 1 *Jac. ca.* 22.

Of Supersedeas's.

A *Supersedeas* may be good in Law, though the name and sureties are not in it, nor contain the sum they are bound in; yet *Lamb.* 96. holdes it better, if it do: When a *Supersedeas* is given to the Officer, if he urge new sureties, and the party refusing is committed, he may bring his action against him.

Where a *Supersedeas* comes out of the *Chancery*, it is with the Recognizance to be certified at the next Sessions; and if the *Supersedeas* testifie that he hath found sureties in the Chancery at a certain day which is after the

the Sessions, the *Supersedeas* may come to his hands after his Recognizance was taken: for, it may be, the Recognizance was broken before the purchase of the *Supersedeas*.

It is a *Quære*, Whether a Justice can grant a *Supersedeas*. *Lamb.* 123. By *Dalt.* it is affirmed in 197.

A *Supersedeas* made by a Justice of Peace, and it returned under his seal, to prove a Recognizance is sufficient being taken for the Peace, and a Warrant to call the party bound; and making default, the Justice may record the same.

And where a Justice by *Supersedeas* will discharge a Precept for the Peace awarded by another, *virtute Officii*, and not by *supplicavit*, the Recognizance must be taken according to the Precept.

The nature of a *Certiorari* is a *Supersedeas* in it self when it comes to remove a Record, yet the party may have a *Supersedeas* to the Sheriff that the Arrest had, but not upon the Justices Record; and it is a *Quære*, Whether the Justices *ex officio*, after a *Certiorari* ought to award their *Supersedeas* to stay proceedings upon the Record.

Where an *Exigent* is awarded, a *Supersedeas* out of the Chancery wil stay an indictment of a Trespass before the Justices, upon sureties found there to appear upon the day in the Writ, though one be taken upon it: Anp *Crompt.* and *Dalt.* both affirm, it may be done by one Justice.

And where a *Supersedeas* is directed to the Justices and Sheriff, the Justice to whose hands it comes may keep it, and deliver the Libell to the party.

But where a *Supersedeas* is directed out of the Chancery or Kings Bench for the peace or Good behaviour, it is voyd, unlesse upon a motion in the Court and Sureties given upon the penalty of 5 *l.* in Lands or 10 *l.* in Goods, in the Subsidy; unless it appear to the Court that Process for the Peace or Good Behaviour is prosecuted against the desirer of such *Supersedeas bona fide*, by some

grieved

grieved in the Court, for whom the *Supersedeas* is requested, 21 *Jac. ca.* 8. It is a *Quære*, Whether the party bound, sending the *Supersedeas* to the Sessions, be discharged of his appearance there: the President run, that the party bound appeared and prayed allowance.

Of a Supplicavit.

A *Supplicavit* shall be executed by him only to whom it is delivered, and the Justice that hath the Writ to him delivered may make his Warrant to the Constable, or another indifferent party: if he refuse to finde sureties, to carry him to prison, and the party arrested must be before him that sent out the Warrant, and the Justice must execute the *Supplicavit* as it is directed; and it is the safest way, where the sums be left to the discretion of the Justice, to bind the party in a good penalty, *Dalt.* 187. After sureties taken, the Justices may make him a *Supersedeas*, and the Justice needs not return the *Supplicavit*, neither make a Certificate untill a *Certiorari* come to him.

Of the Oath of Supremacy.

He that shall deny the taking of the Oath of Supremacy, the first offence is *Præmunire*; the second, Treason, 5 *Eliz. ca.* 1.

Of Suspicion of Felony.

Any suspected for Felony cannot be arrested upon a Justices warrant, unless he be first indicted: for if the Bayliff suspects him, he may do it without a warrant, and without suspicion a Justices warrant is no warrant, *Crompt.* 147, 148. *Brook, sans suspicion* 8. Neither is suspicion only, without felony committed, a sufficient cause to arrest one. Every man that is of evil fame may be arrested

ed upon ſuſpicion of felony: Where one is committed, if he makes a reſiſtance, the beating him may be juſtified, and the Conſtable muſt ſuſpect him for the felony, before he arreſts him, *Crompt.* 99, and muſt ſhew ſome cauſe of his ſuſpecting him: elſe any man that bears any malice to another, may arreſt him only out of revenge.

Of Swans.

THe taking away from any mans grounds the eggs of Swans, upon conviction, and the examination of witneſſes, the forfeiture is 10 *l.* and impriſonment for a yeer and a day: Where Swans are tame and marked, that are kept in any mans Mannours or private Rivers, to ſteal them, is felony.

Of Swearing.

WHere one is convicted of ſwearing an Oath, either by his own confeſsion, or the oath of two witneſſes, or in the hearing of a Juſtice, the penalty is 12 *d.* for every oath, to the poor where the crime is committed; the offence to be proved within twenty dayes after, to be levyed by diſtreſſe; having no diſtreſſe, to lye in the Stocks three hours, 21 *Jac. ca.* 20. 3 *Car. ca.* 4. and the Warrant for the diſtreſſe ſhall be made to the Conſtable, Churchwardens, and Overſeers of the poor of that place where the offence was committed. *ut ſupra.*

If the offender be not 12 yeers of age, and doth not preſently pay 12 *d.* by warrant from the Juſtice, he ſhall be whipped by the Conſtable, in the preſence of his Maſter or Parents. *ubi ſupra.*

Of Taxes.

TAxes made for the Republick, as for making or mending of Bridges, High-wayes, Cauſeyes, Sea-banks, ſhall

shall be upon all, though they dissent to it. Cake 5. part 63. Where any is amerced by the consent of the Inhabitants, there is an Assessement, and they choose men to gether it; and for the non-payment at the day appointed, to distrein, and a distresse is taken for the rates, and it is good. *Brook Customs 6. Cake 5. part 63. Doctor and Student. 74.*

Of Testimonials.

ONe Justice of Peace may make a Testimonial under his hand and seal, for any to passe in Hay-time and Harvest, out of one County to another, to get worke: it is good in all Passes and Testimonials to put down a description of the party that hath it, that he may be certainly known from others.

But the Testimonial of a Servant, that put out of his service, or whose Master is dead, must be by two Justices, 5 *Eliz. ca.* 11. Neither ought any that is retained in husbandry, to depart without a Testimonial, 5 *Eliz. ca.* 4.

Of Threatning.

HE may crave the peace, that shall be threatned to be hurt, beaten, maimed, wounded or killed. Quere Whether a man may desire the peace against one that threatens to burn his Goods? But threating to imprison a man, is no cause to crave the Peace, for the Law will right him by an action of false imprisonment.

It is forceable Entry in any that shall enter peaceably, and then put the other that was in the house before out of doors, and threaten him, if he come thither again, he will kill him: if he come again to make his Entry, if the the other threaten to kill him, it is a forceable Detainer.

Of Tile-making.

THe offence in making of Tile, may be heard and determined by one Justice of Peace, and upon examina-

thus, otherwise may assesse the fine therein limited, and may appoint two men skilfull therein to be the searchers, 23 *Edw.* 4. *ca.* 4.

All Earth for composure of Tyle, must be digged before the first of *Novem.* to be turned and stirred before the first of *February* following; and to be sifted from stones, veins, and chalk; and not to be converted into Tile before *March* following: the penalty is double the value to the buyer, 17 *Edw.* 4. *ca.* 4.

Tyle called plain-Tyle, for sale, must be ten inches and a half long, six inches and a quarter broad, three quarters of an inch thick, or lose 4 *s.* in every hundred, *ubi supra.* Roof-tyle 13 inches long, half inch and half quarter of an inch thick, necessarily deep, or forfeits 6 *s.* 8 *d.* a hundred, *ibid.* Gutter-tile ten inches and a half long, conveniently broad, and in depth and thickness; the forfeiture is 3 *s.* in the hundred: And those that are appointed searchers for Tyle, every default is 10 *s. ubi supra.*

Of Tythes.

Where any will not obey the Judges sentence in the Ecclesiastical Court, of or concerning any misdemeanours committed by Defendants, in suits for Tythes; two Justices, one being of the *Quorum*, may upon complaint made to them, commit them to prison, till they finde sureties by Recognizance, to be obedient to the sentence and processe of the Judge, 27 *Eliz. ca.* 11. And likewise where there is a complaint in writing made by a Judge Ecclesiastical, that hath given a definitive sentence against one that willfully denyes the payment of his Tythes, or the sum of Money adjudged against him, any two Justices may cause him to be attached and imprisoned, till he findesureties to perform the sentence, 32 *Hen.* 8. *ca.* 7.

Of Toll.

THat Miller that ſhall take toll by heaped meaſures ſhall be fined. *Vide* the Statute 31 *Edw.* 1. By the Statute 51 *Hen.* 3. *ca.* 3. ſhall be grievouſly amerced, *viz.* the 20 part, or 24 part of the Corn, according to the Standard at *Winton*.

A Miller ſhall take out of every buſhel of Wheat but three Wine-pints: of a Buſhel of Malt one pint, where the Corn is brought to him; becauſe that a Mill will grinde three buſhes of Malt to one buſhel of Wheat: Yet it is a *Quære*: The Statute of the 51 *Hen.* 3. *ca.* 3. expreſſeth not how much.

If any Toll-gatherer takes above a peny for any Contract, entring the names of the parties, in any Fair or Market between ten in the morning and Sun-ſetting, forfeits 10 *s.* and to make ſatisfaction to the party wronged, 1 & 2 *Phil.* & *Mar. ca.* 2.

If the Toll-taker knowes not the party that ſhall ſell any Mare or Horſe, he muſt bring a ſufficient witneſſe teſtifying the knowing the ſellers, their names and places, myſtery and addition, and then enter it in the Toll-book, or elſe the forfeiture is 5 *l.* 31 *Eliz. ca.* 12. And he that ſhall give the Toll-taker a falſe teſtimony, ſhall alſo loſe 5 *l. ubi ſupra.*

And if a thief enters a ſtolen Horſe by a falſe name, the ſale is voyd, and the Toll-taker that ſhall refuſe to give to the buyer or taker of ſuch a Horſe a true note in writing of his Entry, the party paying 2 *d.* for the ſame, forfeits 5 *l.* 31 *Eliz. ca.* 12.

Of Tranſportation.

ANy may tranſport any Grain at theſe prices if not prohibited by Proclamation: Wheat at 26 *s.* 8 *d.* per

quarter, Rye and Peaſe at 15 s. Barley and Oats at 14 s by the Statute 21 *Jac. ca.* 28. 3 *Car. ca.* 4.

Any ſubject that is born in this Kingdom, may in any Fair or Market buy any Corn, to ſell it again; or may carry any Corn beyond the Seas, ſo as it be tranſported in *Engliſh* Veſſels, except it be forbidden by the Kings Proclamation, 3 *Car. ca.* 4 Wheat 32 s. *per* quarter, Rye and Peaſe 20 s. Beans and Barley 16 s. And Beer may be tranſported, when the Malt exceeds not 16 s. the quarter.

Of a Traverſe.

A Traverſe in Law is taken for the denyal of the chief ſubſtance of an Indictment: A Traverſe upon a forceable Entry or Detayner found upon an Indictment. *Lamb.* 158. makes a *Quære* before whom it ſhall be tendred: Yet the Juſtices, upon a Traverſe of a forceable Entry, by the Statute the Juſtices muſt make reſtitution, 8 *Hen.* 6. or elſe certifie the preſentment into the Kings Bench. *Vide ſupra.*

A Traverſe lyes where one Juſtice will take upon him to record a Riot within his view, yet the party ſhall not be concluded thereby. A Traverſe of an Indictment in Treaſon or Felony is not to be admitted: And that Court that may award a Proceſs *ad reſpondend.* may take a Traverſe; but you cannot traverſe a bloud-ſhed that is found in the Sheriffs turn before the Juſtices of peace; neither where one of the Inqueſts preſents himſelf, can it be traverſed.

Where a Proceſſe *ad reſpondend.* comes out upon an Indictment, that is traverſeable, the party may have his Traverſe; and it is a *Quære*, whether any can be admitted to Traverſe a preſentment, unleſs his Freehold is charged.

Of

Of Travelling beyond Sea.

HE that is an Officer of a Port or Owner of a Veſſel that ſhall ſuffer any under 21. to goe (except Sailers, Ship-boyes, Appentices or Factors of Merchants in their Trades) without the Kings, Licenſe or ſix of the Privy Councel, under their hands and ſeals; ſuch Officer of a Port loſeth his Office; the owner of the Ship, his Veſſel, and impriſonment one yeer without bayl; and both of them forfeits all their Goods, 3 *Jac. ca.* 4.

Any that ſhall goe over the Sea to ſerve any forain State, without the taking of the Oath of Allegiance before the Comptroler or the Cuſtomer of the Port, ſhall be a Felon, and the Oath to be certified into the Chequer yeerly, on the penalty of 5 *l. per idem Statutum.*

Any that is a Gentlemen, or of a greater degree, or Captain, or other Officer, that ſhall goe beyond the Sea, muſt be bound by the Officer of the Port where he takes Shipping, with two ſureties to the King, in 20 *l.* not to be reconciled to the Pope, nor practiſe any thing againſt the King, but knowing any thing, muſt reveal it; the bond to be certified into the Exchequer yeerly upon the forfeiture of 5 *l.*

Any Children not being Apprentices, Souldiers Merchants, Factors, Mariners, going beyond Sea without the Kings Licenſe, or ſix of the Privy Councel, whereof the chief Secretary to be one, under their hands and ſeals; ſhall take no benefit by diſcent or otherwiſe of any Lands, Leaſes, Goods and Chattels, untill they being 18 yeers old, or upward, take the Oath of Allegiance, before the Juſtices of Peace where their Parents dwell; and in the *interim* the next of Kin to enjoy the Lands, Goods and Chattels, till they conform and take the Oath, and receive the Sacrament, and then they ſhall accompt for the mean profits, and in reaſonable time to make payment

thereof upon the penalty of 100 *l.* one part to the King, the second to the Informer, the third to the poor, 3 *Jac. ca.* 5.

Of Travellers.

IF any Victualler shall refuse to lodge any Traveller, the Justice or Constable may compell him; the offence shall be presented at the Assizes or Sessions, or else he may bring his action upon the case. *Brooke, Action sur le case 76.* And Sir *Fam's Lee*'s opinion was, that an Alehouse-keeper, or Inn-keeper shall be indicted, fined, and imprisoned, or the party grieved may have his Action. *Vide Dalt.* 28.

Of Treason.

TReason is thus defined. It is an offence committed against our Soveraign Lord the King, in his person; or against the Queen his Wife, his Realm, or his Authority: To intend the death of the King, Queen, eldest Son; though not effected. *Vide Dalt.* 227. To deflowre the Kings Wife; his eldest Daughter, being unmarryed; or his eldest Sons wife.

To levy War against the King in his Kingdom, *Brook. Treason* 24. or to but conspire it; or with a Governour of a forrain State to invade it; to kill one sent on the Kings business; to kill any that shall assist the King in his Warres, or that comes to aid him: To help the Kings enemies in his Realm: to counterfeit the Great Seal, Sign-Manual, Privy Signet, or Privy Seal: To take an old Seal and put it to a new Patent, *Stamford* 3. And *Brook. Treason the* 3. puts a *Quære* upon it, Whether Treason or Misprision of Treason, or any that shall set the Kings seal to any Writing, or fraudulently thrust in a Writing amongst others, and so get it sealed without authority.

To counterfeit the Kings Coyn, or any Money current in this Kingdom; To bring any false Money, knowing it to be so: To clip, lighten, or wash any Coyn current in *England*: To coyn Money without any Authority; or if any that is authorized to coyn, shall coyn any lesse in weight then the Ordinance, or false Metal. *Brook Treason* 19.

By the 25 *Edw.3.ca.2.* all counsellers, aiders, procurers, consenters, comforters or abettors, are all Principals in Treason, admitting of no accessary.

The counterfeiting Gold or Silver, not being the Coyn of this Kingdom, is but misprision of Treason, 14 *El. ca.3.*

To kill the Kings Chancellour, Treasurer, Justice in Eyre, of Assize, of *Oyer* and *Terminer*, in his place, or doing his Office, is Treason.

He that shall extoll the See of *Rome* in any of the Kings Dominions; and the procurers, counsellers, aiders and maintainers thereof, the first offence *præmunire*, the second Treason, 5 *Eliz. ca.* 1. Or to bring any Books that maintain any such Authority, and the readers and hearers that shall justifie them, and deliverers of such Books to others, with allowance and liking of the same, the Printers and utterers of such Books, be all within the Statute 5 *Eliz. ca.* 11.

The refusing the Oath of Supremacy, first offence is *Præmunire*, the second Treason, 5 *Eliz. ca.* 11. To obtain from *Rome* or any other Authority from thence, any Bulls to reconcile and absolve such as intend to forsake their obedience to the King, and give it to the Pope, or give or take absolution by such Bulls, or publish or put in execution such Bulls, 13 *Eliz. ca.* 2.

It is Treason to absolve, perswade, or withdraw any Subject from their obedience to the King, or reconcile them to the Pope, or procure, assist or maintain the same, except according to the Statute they submit to the same, 3 *Jac. ca.* 4.

If any Jesuite, Priest, or any Ecclesiastical person, created by the Authority of *Rome*, come into any of the Kings Dominions contrary to the 27 *Eliz. ca.* 7. it is Treason: To compasse a Usurpers death, is Treason, for which the Offender may be arraigned in another Kings time. *Brooke Treason* 10.

He that intends to deprive or depose the King, though it takes no effect, or to say he will be King after the Kings death, is Treason: To set at liberty any committed for Treason, is, by the Common Law of *England*, Treason; as one imprisoned for Felony breaketh Prison, and a Traitor escapeth, it is Treason in him.

And the common Law makes it Treason in any one that voluntarily suffers one to escape that is commited or arrested for Treason. *Stamf* 32.

He that commits Treason, the forfeiture is all his Lands and Goods to the King; and now by the 26 *Hen.* 8, *ca.* 13. 5 *Edw.* 6. *ca.* 11. his Lands intailed, and his wives Dower, except in some cases.

The Judgement of a man is, to be drawn upon a Hurdle, hanged, cut down alive, his bowels to be cut and burned before his face, and his head and quarters to be disposed at the Kings pleasure; the woman to be drawn likewise, and burned, *Stamf.* 182.

Of Petty Treason.

IT is petty Treason, when one of malice propensed murders any one where he owes duty or obedience, as if he kills his Master or Mistris. *Stamf.* 10. *L. Coke* 11. *part* 34. & 25 *Edw.* 3. *ca.* 2.

If a servant after departure for his Master kills him upon malice conceived in his service, it is petty Treason in him. *Brook Treason* 1. 5. *Coke* 1 *part* 99. b. Or where the servant hires another to kill his Master and he kills him in his presence, it is petty Treason in the servant, and

Murder

Murder in the ſtranger. *Vide Plow. Com.* 100. a.

Where a ſervant commands one to beat his Maſter, and he kills him, it is petty Treaſon, if he be preſent: the wife murders the husband, it is petty Treaſon; but if the husband kills his wife, it is but Murder in him.

Where the wife procures one to kill her husband, and he doth it in wives abſence, it is murder in the ſtranger, and in the wife as an acceſſary.

Where the wife poyſons any thing, with an intent to poyſon her husband, and who eating of it, is ſick, but recovers; and a ſtranger eats of it, and dies; it is only murder in the wife. *Co.* 9. 81. *Plow.* 474.

Where the Father ſhall be maliciouſly poyſoned by his Childe, though he gives him no allowance for his Maintenance, yet it is petty Treſon in the Son, in regard he hath broken the order of nature.

Where a Baſtard kills his mother, it is petty Treaſon; for ſhe is known certainly.

It is petty Treaſon in the Son-in-law to kill the Father-in-law, co-inhabiting with him, and doing him ſervice, but the Indictment ſhall go in the name of a ſervant.

It is likewiſe petty Treaſon in a Clark to kill his Ordinary, 19 *Hen.* 6. *ca.* 47.

What act ſhall prove Murder in ſtrangers the ſame where obedience is owing, is petty Treaſon.

It is petty Treaſon, where any that ſhall break the Priſon, and any are in for Treaſon do eſcape, 1 *Hen.* 6. 5. *Brook. tit. Treaſon* 11.

The puniſhment is petty Treaſon is, the man ſhall be drawed and hanged, the woman ſhall be burned alive, as it is in High Treaſon, 1 *Hen.* 34.

There ſhall no Book be allowed to any perſon, be he Eccleſiaſtical or Lay, that ſhall be found guilty of any manner of petty Treaſon, nor any Acceſſary thereto before the fact, 12 *Hen.* 7. *ca.* 7. 23 *Hen.* 8. *ca.* 1. 28 *Hen.* 8. *ca.* 8. 5 *Phil.* & *Mar. ca.* 4.

In

In petty Treason the forfeiture is, the King shall have his Goods and his Lands for a yeer and day, and the Lord the Escheat thereof; but having but an Estate Tayl, he forfeits but his life, *Stamf.* 186, 187. If the husband be attainted in petty Treason, the wife shall lose her Dower.

The Justices have the same power in petty Treason as in felony, either to binde to Sessions or Assizes the Offenders; or to take Bayl, or to commit without, as the case requires.

Of Trialls,

NOblemen and Gentlemen, in Felony and Treason shall be tryed by their Equals, and likewise in Misprision of Treason: And, in Riots, Routs, and all unlawfull Assemblies, Noblemen shall be tryed by the Common Law, by common Jurors.

And all forrain pleas, that are to be tryed by Juries, and pleaded by any Indictment of Treason, Murder or Felony; shall be in the County where the party is arraigned, and by a Jury of the same County, 32 *Hen.* 8. *ca.* 3. But where Aliens be indicted of Felony or Murder, they shall have their Jury *per medietatem linguæ.*

Peers of the Realm, indicted for Treason, shall be tryed by their Peers, 3 *Jac. ca.* 4.

Where any Treason, Misprision of Treason or concealment, done or committed out of this Kingdom, shall be enquired of, and tried within the Kingdom, 35 *Hen.* 8. *ca.* 2. *Coke Institutes*, 261 b.

When any hath committed Felony or Treason, being no Lord of the Parliament, he shall be tryed by Knights and others: and so shall Bishops because they be but Lords of the Parliament by their Office, not by their Nobility. *Vide Crompt.* 10.

Of Verdicts.

ANy Jury may in the caſe of Felony, give, if they will, a ſpecial Verdict, and the Court upon the hearing of the matter may adjudge contrary to the Verdict: And if the Indictment ſay, The Goods felonioufly taken were worth 12 *d.* yet the Jury may find them under value, and ſo but petty Larceny; and where a man was arraigned of Murder, the Jury find it but Manſlaughter, and good.

Of Veſſels.

ALl Veſſels for Ale and Beer, ſhall be made of ſeaſoned wood, and marked by him that ſealed it.

Every barrel for Ale and Beer, and ſo every leſſer veſſel, by the 32 *Hen.* 8. *ca.* 4. ought to contain Beer a barrel 36 gallons, a Kilderkin 18, a Firkin 9; Ale 32 gallons, a Kilderkin 16, a Firkin 8 gallons: But by the Statute 1 *Jac. ca.* 9. by retayl the ſale of Ale and Beer ſhall be one and the ſame meaſure, *viz.* by the Ale-quart.

A Tun of wine ſhall contain 252 gallons, a Pipe 126. a Hogſhead of Oyl 63 gallons, a barrel 32 and a half, Honey a rundlet 16 & a half, as you may read the ſizes *Dalt.* 152.

Herring the barrel, half-barrel, firkin, ſhall be of the ſame continent with the Ale; in the barrel 42 gallons, 13 *Eliz. ca.* 11. And Sope and Butter ſhall contain as the Ale doth, and the empty barrel not to be in weight above 26 pound; and for other veſſels in proportion, 23 *Hen.* 8. *ca.* 4. For every default, the penalty is 3 *s.* 4 *d.*

Of Victuallers and Victuals.

ANy that ſhall ſell any Victuals, as Butchers, Fiſhmongers, Inholders, Tiplers, Brewers, Bakers, Poulterers,

at immoderate and unreasonable prices or rates, shall lose double the value, 23 *Edw.* 3. *ca.* 6.

A Brewer that shall sell his beer at higher rates then hath been assessed by the Justices, loseth 6 *s.* *per* barrel, 23 *Hen.* 8. *ca.* 4.

Where any of the above specified sellers shall between themselves take an oath, or conspire to sell but at such prices; first offence is 10 *l.* or 20 dayes imprisonment; second offence 20 *l.* or the Pillory; the third, 40 *l.* or lose an ear, 2 *Edw.* 6. *ca.* 16.

To sell unwholsome flesh, meazelled or murrain flesh. *Vide* 53. *Hen.* 3. it is fineable as the Judges or Justices shall think fit.

The processe that the Statute Warrants against Victuallers is, *Attach capias et Exigent. Vide* 23 *Hen.* 6. *ca.* 13.

The Brewer that shall sell either Beer or Ale to any unlicensed Ale-house, other then for their own necessary use, forfeits for every barrel so sold 6 *s.* 8 *d.* one moiety to the poor, the other to the Informer, to be enquired of and heard at the Quarter Sessions, 4 *Jac. ca.* 4.

He that shall in levying the penalty according to 4 *Jac.* 4. not giving the moiety to the Church-wardens and Overseers of the poor, to be distributed to them within convenient time after the receipt, forfeits double, to be recovered as the former, *per idem Statutum*: And a Victualler is within the Statute 1 *Jac.* 9. 4 *Jac. ca.* 5. 1 *Car. ca.* 4.

Of Wages.

RAtes of Servants wages, and Labourers are to be appointed by the Justices in *Easter* Sessions, and they are to have them engrossed in parchment, under their hands and seals, and then the Sheriff shall cause proclamation to be made of the several rates, in several places in the County, and then 'tis as well as if the same had been set down

down by the Chancellour or Lord Keeper *pro tempore*, and after the Kings Majesties Declaration shall come forth, and then it shall be certified into the Chancery, 39 *Eliz. ca.* 12. 1 *Jac.* 6. He that shall give any wages contrary to the Statute, shall forfeit 5 *l.* 5 *Eliz. ca.* 4. 1 *Jac. ca.* 6.

And those Justices of Peace that shall not assemble at *Easter* Session (not having a lawfull excuse) being testified by the oath of one, that he is in Subsidy 5 *l.* or within six weeks after, to rate servants wages, shall pay 10 *l.* 5 *Eliz. ca.* 4.

Any that have authority, by the Statute of the 5 *Eliz. ca.* 4. for the rating of servants wages, shall be impowered to rate the wages of Labourers, Weavers, Spinners, or any that shall work by day, moneth, or yeer, or by the great, 1 *Jac. ca.* 6.

There is no forfeiture for the not certifying the rates of wages into the Chancery by the Statute 5 *Eliz. ca.* 4. if duely proclaimed, 1 *Jac. ca.* 6. and the rates shall be ingrossed in Parchment, and kept by the *Custos Rotulorum*, if in a Corporation, amongst the Records thereof, 1 *Jac. ca.* 6.

It lyes in the power of any two Justices to imprison the Master without bayl 10 dayes, for giving; and the servant 21 dayes, for taking greater wages then are assessed by the Justices, and Proclamation thereof in the County. All Contracts, Promises, Retainers, payments or bonds to the contrary are voyd, being not according to the Statute of 5 *Eliz. ca.* 4.

Any Justice of Peace may bring his action of debt against the Sheriff that denyes the payment of his wages at the Sessions.

The Justices of Peace shall be payd their wages out of the fines and amerciaments at the Sessions, and the fines must be assessed in Court, and the Clerk of the Peace shall indent the Estreats between the Justices and the Sheriff, the Justices shall put their hands and seals unto it,

it, that the Sheriff may know to whom to pay wages, and levy the ſame to pay the Juſtices, and the Sheriff ſhall have allowance for it in his accompt in the Exchequer, 14 *Rich.* 2. *ca.* 11.

Of Warrants.

IF any commits a Riot within a Juſtices view, he may commit them, and make them finde ſureties for their good behaviour without a warrant: So upon an Affray, Aſſault, Threatning, or any breach of the peace, in the Juſtices preſence, he may command the Officer to commit and finde ſureties; but for any cauſe out of his ſight the Juſtice cannot command any to be arreſted, but muſt ſend his Warrant. *Brook Peace* 7.

The Juſtices Warrant muſt be under hand and ſeal, or hand at leaſt; but it is better under both.

A warrant for treaſon, murder, or felony, needs not contain the ſpecial matter, or any Capital Crime; but, a warrant for the Peace or good behaviour, muſt ſet down the ſpecial matter; and a warrant, bearing date at the place where it is made, and the day and yeer, is beſt.

Where a Juſtice, being out of the County where he is Juſtice of Peace, ſends a warrant to apprehend one in that County, he cannot bring the party before him, but muſt bring him before ſome Juſtice in the County.

Any Juſtice may make his warrant ſpecially to come before himſelf, if he will, but the uſual courſe is, before me or ſome of my fellow Juſtices, *Coke* 5. *part* 59. And in ſome caſes he may grant his warrant to attach the offender, to be at the next Seſſions to anſwer his offence; and he may grant his warrant upon any miſdemeanour againſt the peace, & make him find ſureties for either the peace or good behaviour.

And where the Statute giveth authority to Juſtices of the Peace, to cauſe another to do a thing, they have power to grant their warrant to bring them before them & ſo

to

to take order therein: And where a Juſtice grants his warrant where he hath no authority, the Conſtable or other inferior Officer cannot diſpute it, but it muſt be obeyed; but where he grants his warrant out of his juriſdiction, or where he is no Juſtice, there if the Officer execute it, he ſhall be puniſhed, *Coke 6. part 54. 9. & part 68.* Any that ſhall by warrant be arreſted in the Kings name, muſt obey the warrant, and not diſpute it; if the warrant be not lawfull, the party hath his remedy by an action of falſe Impriſonment, *Coke 9 part 68.*

A warrant for the peace may be directed to any other perſon, as well as an Officer; yet the uſual way is, and the beſt and moſt certain, to have it directed to an Officer.

A ſworn and known Officer needs not ſhew his warrant if he ſhall reſiſt him at his own peril he ſtands whatſoever ſhall happen: but one that is not known, muſt ſhew his authority before he arreſts, yet a warrant directed to the Conſtable and a ſtranger, and executed by the ſtranger only, is good: And a warrant directed to two joyntly to arreſt another, one may do it. But where any man is arreſted without a warrant, and he afterwards procures one, this is not juſtifiable: But an officer having a warrant for the Peace or good behaviour, if reſiſted, may juſtifie the breaking open of the dore.

A Juſtice may make his warrant to the Sheriff to attach one, and bring him to the Seſſions to finde ſurety for the Peace; and where a warrant is directed by a Juſtice of peace to the Sheriff, the Juſtice may by word command any known Officer under him, without precept in writing.

A known officer not ſhewing his warrant, if the party deſires it, ſhall tell him the contents of it. *Coke 6 part 54.*

Where a man is arreſted, and is let go, upon promiſe of coming again, and comes not, the Officer muſt make freſh ſuit, or elſe he cannot arreſt him upon the ſame warrant. *Brooks. faux impr. 18.*

Where any ſhall abuſe a Juſtices warrant, by tearing or ſtamping

stamping it under his feet, he shall be indicted and fined, for it is the Kings processe, and the dishonour is to the King, and not to the Justice, and shall be bound to his good behaviour.

Before the Justice grants his warrant for murder, robbery or felony, it is meet that he should examine the party, and binde him over to give in evidence at the next Gaol-delivery. A Justice of peace cannot grant his warrant against any that have committed any offence against a penal Statute, to appear at Sessions, unless he cause him first to be indicted.

A Justice of peace was fined in *Star Chamber*, for sending a warrant to one, upon request, with a blank, and the party would put in the name against one for felony that he knew not, nor the offence committed. *Vide Crompt. Jurisdiction of Courts* 34.

All warrants in his Majesties name, ought to have their directions to all Officers and Ministers as well within Liberties as without; and warrant may be made either in the Kings name, or in the Justices, and either of them must be attested by the Justice that sends out the warrant.

Of the form of the Justices Warrant for the Peace.

Cant. FOrasmuch as *B. A.* the wife of *W. A.* of your said Town, hath required the peace of *T. B.* and withall hath taken her corporal Oath before me *C. A.* one of his Majesties Justices of the peace, that she requireth not the same for any private hatred or ill will, but for that she is afraid of her life, or the hurting or maiming of her body, or the burning of her houses: These are therefore to will and require you, and in his Majesties name to charge and command you, that immediately upon sight hereof, you do require the said *T. B.* to come before me or some other of his Majesties Justices of Peace within the said County, to finde sufficient sureties of the

Peace

Peace," as well for his appearance at the next Quarter Seſſions to be holden for the ſaid County, as alſo that the ſaid *T. B.* ſhall in the mean time keep the Kings Majeſties peace, as well toward his ſaid Majeſty and all his Liege people, and eſpecially towards the ſaid *B. A.* And if he ſhall refuſe ſo to doe, that then you do command the ſaid *T. B.* to the common Gaol for the ſaid County, there to remain till he ſhall willingly do the ſame, and ſee that you certifie your doings to the Juſtices at the ſaid Seſſions, and have you there this Precept. Dated, &c.

Another of the ſame.

J. C. *miles, unus Juſtic. Dom. Regis ad pacem in Com. C. conſervand. aſſign. &c. Vic. ſalutem: Ex parte Dom. Regis vobis et cuilibet veſtrum mando, quod attach. ſeu unus veſtrum attach.* J. S. *de &c ita quod habeatis, ſeu unus veſtrum habeat, corpus ejus coram me, vel ano ſociorum meorum, &c. ad inveniend. ſecuritatem pacis quod ipſe non fac. nec fieri procurabit quovis modo aliquod dampnum corporale alicui de populo Dom. Regis, nec de incendio domorum ſuarum per predict.* J. S. *gravit. & manifeſte comminat. exiſtit, prout mihi ſacramentum præſtitit corporale: et ſi hoc recuſaverit, tunc ad Gaolam Dom. Regis Com. predict. duci faciatis, ſeu unus veſtrum duci faciat, ibidem moretur, quouſque hoc gratis facere voluerit. Et qualiter hoc mandatum fuerit executum mihi et ſociis meis (Cuſtodibus pacis Com. predict.) ad prox. Seſſionem pacis in Com predict. tenend. certific. & habeas ibi tunc hoc precept. Sigillo meo ſigillat. Datum, &c.*

A Warrant for the Good Behaviour.

South. FOraſmuch as *A. B.* of your ſaid Town is not of good name and fame, nor of honeſt converſation, but a Rioter, Barretter and Perturber of the Peace of our ſaid Soveraign Lord, as we are given to underſtand, by the complaint of ſundry credible perſons: Therefore on the behalf of our ſaid Soveraign Lord, we command you, and every of you, that immediately, &c. you cauſe

the ſaid *A. B.* to come before us, or ſome other of our fellow Juſtices, to finde ſufficient Surety and Mainpriſe as well for his good abearing towards our ſaid Soveraign Lord, and all his Liege people, untill the next Quarter Seſſions of the peace to be holden in the ſaid County, as alſo for his appearance then and there, and if he ſhall refuſe ſo to do *(as in the Warrant for the peace, &c.)*

Or thus.

Cam. FOraſmuch as we have been credibly informed, that *S. W.* of your Town, &c. is a man of evil behaviour, and one that daily moveth diſcord between his neighbours, and a common diſturber of his Majeſties peace; Theſe are therefore in his Majeſties name to command you, &c.

A Warrant upon the Peace upon a Supplicavit.

South. C. H. Knight, one of the Juſtices of the Peace of our Soveraign Lord the King, within the County of *S.* to the Sheriff of the ſaid County, the High Conſtable of the Hundred of *R.* and other his Majeſties Officers, as well within Liberties as without, in the ſaid County, and to every of them, greeting. Know ye, that I have received the Writ of our ſaid Soveraign Lord in theſe words *(reciting the Writ of Supplicavit)* therefore on the behalf of our ſaid Soveraign Lord, I command you joyntly and ſeverally, that immediately upon ſight hereof, you cauſe the ſaid *A. B.* to come before me at my houſe in *C.* to finde ſufficient Surety and Mainpriſe for the peace, to be kept towards our ſaid Soveraign Lord & all his Liege people, and eſpecially towards the ſaid *C. D.* and if the ſaid *A. B.* ſhall refuſe thus to do, that then you ſafely convey him to his Majeſties Gaol at the Caſtle of *S.* there to remain untill he ſhall willingly do the ſame, ſo that he may be before the Juſtices of the Peace of our ſaid Soveraign Lord within the ſaid County, at the next general Seſſions of the Peace, to be holden for the ſaid County, there to anſwer to our ſaid Soveraign Lord,

Lord, for his contempt in that behalf, and see that you certifie your doings in the premisses to the said Justices at the said Sessions, bringing then thither this Precept with you. Given at *C.* aforesaid, &c.

A general Warrant for a Misdemeanour.

S. J. J. C. Knight, one of the Justices, &c. to the Constables, &c. and to either of them. These are to will and require you, and in his Majesties name straitly to charge and command you, and either of you, that immediately upon sight hereof, you bring *J. H.* of your said T. Butcher, before me, to answer to such matters of misdemeanour as, on his Majesties behalf, shall be objected against him, and hereof fail you not at your peril. Dated, &c.

To attach one for Felony.

S. J. Forasmuch as complaint hath been made unto me by *C. D.* that of late hath had certain Goods taken from him feloniously, and that he hath in suspicion one *R. G.* of your said Town; These are therefore to will and require you, &c. presently upon receipt hereof, to attach the body of the said *R. G.* and thereupon to bring him before me, to answer the premisses. And hereof fail you not, at your perils. Dated, &c.

To search for stolen Goods.

S. Whereas complaint hath been made to me by *N. D.* that of late he hath had feloniously taken from him certain Goods, and that he hath in suspicion divers lewd and evil disposed persons within your Parish; These are to will, &c. that immediately upon receipt hereof, you diligently search in all and every such suspected houses and places within your Parish, as you and this Complainant shall think convenient, and if upon your said search you find any of the said Goods, or other just cause of suspicion, that then you bring all such suspected persons as you shall find before me, to answer unto the premisses. And hereof fail you not, &c.

To binde men to give in Evidence.

S. THese are in the Kings Majesties name to charge and command you, &c. that presently upon sight hereof, you or some of you do cause to come before me or some other of his Majesties Justices of Peace of this County, the persons hereunder named, to the end that they and every of them may be bound to make their personal appearance at the next generall Gaol-delivery to be holden for this County, and then and there to testifie their and every of their knowledge, concerning certain felonious acts committed by one *A. B.* now a prisoner in the Castle of *S.* And hereof fail you not, &c.

A Hue and Cry after Robbers.

To all Constables and all other his Majesties Officers, &c.

WHereas complaint hath been made unto me *A. B.* one of his Majesties Justices of Peace within the said County of *C.* by *J. S.* of &c. Husbandman, that upon Thursday night last, being, &c. he was robbed of certain Goods taken out of his house, and that he hath manifest cause of suspicion of one *A. B.* a lewd Rogue (*here he may describe his form and Clothes:*) These are in his Majesties name to require you, and every of you, to make search within your severall Precincts for the said *A.B.* and also to make Hue and Cry after him from Town to Town, and from County to County, and that as well by horsemen as footmen, and if you shall finde him the said *A.B.* then you carry him before some one of his Majesties Justices of the Peace within the County where he shall be taken, by him to be dealt withall according to law, &c.

A Warrant for one that hath hurt another.

Sir, FOrasmuch as I am credibly informed that *J. B.* of your Town, Yeoman, hath lately dangerously hurt one *T. G.* of your said Town of *H.* so as the said *T.* is in danger of death thereby: These are therefore in the Kings Majesties name straightly to charge and command you that presently upon sight hereof you or one of you do bring

bring the ſaid *J. B.* before me or ſome of my fellow Juſtices of this County, to finde ſufficient Sureties as well for his appearance before his Majeſtices Juſtices, at the next generall Gaol-delivery to be holden for this County, and then and there to anſwer for the premiſſes, and to do and receive therefore that which by the Court ſhall be enjoyned him, as alſo that he the ſaid *J. B.* ſhall in the mean time keep his Majeſties Peace towards his ſaid Majeſty and all his Liege people, and eſpecially towards *T. G.* And hereof fail you not at your perils. Dated, &c.

For a Reputed Father of a Baſtard.

WHereas complaint hath been made to me *H. B.* one of his Majeſties Juſtices, &c. by *K. J.* of your Town, Spinſter, that ſhe is gotten with childe by one *T. S.* alſo of your ſaid Town *B.* Theſe are therefore to will and require you, and in his Majeſties name to charge and command you, that preſently upon receipt hereof, you attach the body of the ſaid *T. S.* and thereupon to bring before me or ſome of my fellow Juſtices for this County, to find ſufficient ſureties as well for his appearance at the next generall Seſſions of the Peace to be holden for this County, as alſo for his good behaviour towards his Majeſty and all his Liege people in the mean time. And hereof fail you not, &c.

A Warrant for Overſeers to give up their Account.

S. THeſe are in the Kings name to charge and command you, forthwith to give warning to the Churchwardens and other Overſeers of the poor, of every Pariſh within your Hundred, that they do perſonally appear before us at *N.* at the ſign of the G. upon ſuch a day next, &c. to yield up and to make a true and perfect accompt in writing, ſubſcribed with their names or marks, of all ſums of Money that they have received, rated and aſſeſſed and not received, for and towards the relief of the Poor of their ſeveral Pariſhes; as alſo of ſuch Stock to ſet the poor on work, as is in their hands, or in the

hands of any, to set the said poor to work; and of all other things concerning the said Office. And hereof that they fail not at their and every of their perils. And further we require you, that you give warning to the petty Constable, within your said Hundred, that they or one of them also be there present before us, to inform and certifie us of the names of such persons as are meet and fitting to be Overseers of the poor within their several Towns, for this yeer next ensuing. And hereof fail you not, &c.

The warrant ought to be under the hands and seals of two Justices at the least, one of them being of the *Quorum*.

A Warrant to the New Overseers to take their Charge.

BY vertue of a Statute made in the 43 yeer of our Soveraign Lady Queen *Elizabeth*, entituled an Act for the relief of the poor, these are to will and require you whose names are hereunder written, that you together with the Churchwardens of your Parish, for the time being, do accordingly take order from time to time for this yeer to come, for the setting to work of the poor within your Parish, and for the raising of a convenient stock in your Town to that purpose, and for the providing of relief for such as be lame and impotent amongst you, and for the placing as Apprentices such children as whose Parents are not able to maintain them, and hereof see that you fail not at your perils. Dated

A Warrant to distrein for the Poor.

South. ff. FOrasmuch as we are credibly informed, that the persons hereunder named do refuse to contribute or pay to and for the relief of the poor, as it is rated upon them by the said Parish, according to the form of the Statute in that case made and provided: These are therefore in his Majesties name to charge and command you, and every one of you, forthwith to levy all such sums of Money as are unpayd, and all the arearages thereof on all and every person so refusing, by distresse, and sale of

the Offenders Goods, you tendring to the parties the over-plus that ſhall remain upon the ſaid Goods. And this ſhall be your ſufficient warrant therein. Dated, &c.

A Warrant for a Fugitive Servant.

South. ſſ. T. B. *unus Juſtic. &c. Vic. Com. predict. nec non* J. B. *Conſtabular. &c. Ex parte dicti Dom. Regis vobis & cuilibet veſtrum mando quod attach. ſeu unus veſtrum attach.* W. R. *de* B. *predict.* Lab. *Ita quod eum habeatis, ſeu unus veſtrum habeat, coram me vel ſociis meis Juſtic. in Com. predict. conſervand. nec non &c. aſſignat. ad prox. generalem Seſſionem pacis in Com. predict. tenend. ad reſpondend. tam dicto Dom. Regi quam* R. C. *de &c.* Yeoman, *quare in ſervitio ipſius* R. *apud* T. *in Com. predict. nuper retentus, ab eodem ſervitio ante finem termini inter. eos concordat. ſine cauſa rationabili & licentia ipſius* R. *receſſit in dicti Domini Regis contemptum, & ipſius* R. *grave dampnum, et contra formam Statuti nuper edit. & proviſi. Et habeatis, ſeu unus veſtrum habeat, ibi tunc hoc Precept. Teſte, &c.*

A Warrant for one refuſing to ſerve.

South. ſſ M. D. *unus Juſtic. &c.* R. L. *Ballivo de* S. *in Com. predicto, ſalutem: Ex parte Dom. Regis tibi mando quod attach.* R. H. *de* S. *in Com. predicto* Lab. *Ita quod eum habeas coram me vel ſociis meis Juſtic. dicti Dom. Regis ad pacem in Com. predicto conſervand, nec non ad diverſa felonia, tranſgr. & alia malefacta in eodem Com. audiend. & terminand. aſſignat. ad proximam generalem Seſſionem pacis in Com. predicto tenend. ad reſpondend. tam dicto Domino Regi quam* A. C. *de* A. *in Com. predicto,* Yeo. *quare ipſe* A. R. *licet in ſervitio congruo et ſtatu ſuo prefat.* B. C. *fuit ſæpius requiſitus ei ſervire, ipſum tamen* R. C. *penitus recuſavit, in dicti Dom. Regis contemptum et ipſius* B. C. *grave dampnum, & contra formam Statuti de ſervientibus nuper editi et proviſi. Et habeas ibi tunc hoc mandatum. Teſte, &c.*

For an Alehouſe-keeper to renew his Recognizance.

J. S. Eſq; one of his Majeſties Juſtices of the Peace, &c. Theſe are in his Majeſties name to require you, that you direct your Precepts to every petty Conſtable within your Hundred, requiring them that they warn all Alehouſe-keepers and Victuallers in their ſeveral Towns within your ſaid Hundred, to be and perſonally to appear before us at *L.* &c. and then and there bringing with them their former Licenſes, and further, that they bring with them a Certificate of their fitneſſe and honeſt behaviour in keeping of their Alehouſes and Victualling-houſes, under the hands of four at the leaſt, and of the moſt ſubſtantial Inhabitants of the Pariſhes where they ſo keep or dwell. And hereof, &c.

A Warrant to ſuppreſſe an Alehouſe.

T. P. & J. B. two Juſtices of the Peace, &c. To the conſtables, &c. Whereas we are credibly informed that *R. D.* of your town, Victualler, is himſelf a man of evil behaviour, and doth ſuffer evil rule and diſorder in his houſe, contrary to the Lawes and Statutes of this Realm: Theſe are therefore in his Majeſties name to will and command you forthwith to repair to the houſe of the ſaid *R. D.* and to charge him to ſurceaſe from keeping any longer any Alehouſe or Tipling-houſe, and from the common ſelling of Ale or Beer, at his peril, and withall that you cauſe his Sign to be pulled down. And hereof fail you not, as you will anſwer the contrary at your peril. Given under our hands and ſeals at *B.* &c.

A Warrant for all Victuallers to put in ſureties for obſerving Fiſh-dayes according to the Proclamation.

To the High Conſtables of the Hundred of *R.* and to either of them.

THeſe are in the Kings Majeſties name to command you to warn all the Inn-holders, Taverners, Cooks, Alehouſe-keepers, Butchers, and other Victuallers whatſoever,

eyer, within your Hundred, perſonally to appear before us at *L.* &c. at the ſign of *G.* there to bring with them Sureties that ſhall enter into bond with them, to his Majeſties uſe, for the due obſervation of the Orders lately publiſhed for the reſtraint of killing, dreſſing, and eating of fleſh in Lent, or upon Fiſh-dayes, according to his Majeſties Proclamation in that behalf, and that you or one of you be then and there with us, to deliver us a Note in writing, of the names, ſurnames, and dwelling places of every of them, and of all other that victual without Licenſe within your Hundred, as you will anſwer the contrary at your perils. Dated, &c.

For levying the Forfeiture for not keeping the Aſſize.

T. B. Eſq; one of the Juſtices, &c. Foraſmuch as it hath been duly proved before me, according to the Statute in that caſe provided, that *G.W.* of your ſaid Town, Alehouſe-keeper, hath lately uttered or ſold in his houſe leſſe then one full quart of the beſt Beer for 1 *d.* contrary to the form of the ſame Statute: Theſe are therefore in his Majeſties name to charge and command you forthwith to levy by diſtreſs of the Goods of the ſaid *G.W.* the ſum of 20 *s.* the ſame to be beſtowed and employed by you to the uſe of the poor of your Pariſh: and if the ſaid *G.W.* within ſix dayes next after ſuch diſtreſs by you taken, ſhall not pay the ſaid 20 *s.* that then you cauſe the ſaid diſtreſſe preſently to be prized and ſold, and the overplus that ſhall remain upon your ſaid ſale of the ſaid Goods, that you render to the ſaid *G.W.* And this ſhall be your ſufficient Warrant herein. Dated, &c.

A Warrant for removing a petty Conſtable, and ſwearing of another.

South. ſſ. CArolus, *&c. Vic. S. &c. nec non capitali Conſtabulario Hundredi de* R. *et eorum cuilibet, ſalutem: Quia* W.P. *et* R. S. *Sub-conſtab. Villæ de* C. *&* R. (*certis de cauſis nos moventibus*) *ab Officio ſuo amoveri & exadari fecimus; Ideo vobis & cuilibet veſtrum conjunctim*

conjunctim et divisim præcipimus et mandamus, quod J. P. *et* R. M. *ad omnia et singula eidem Officio incumbent. bene & fidelit. exercenda & exequenda pront ipsi inde nobis respondere voluerint intrare faciatis, dictisq;* W. P. *et* R. S. *similiter injungentes quod ipsi de dicto Officio ulterius exercend. et exequend. nullatenus se intromittant, quousque aliud à nobis habuerint mandatum Et quicquid inde feceritis Justiciariis nostris ad pacem nostram in dicto Com. conservand. assignat. ad proximam generalem Sessionem Pacis apud* S. *in Com. predicto tcuend. certificetis. Hoc præceptum nostrum tunc & ibid. remittentes. Teste, &c.*

The Constables Oath.

YOu shall swear that you shall well and truely serve our Soveraign Lord the King in the Office of a Constable: You shall see and cause his Majesties Peace to be well and truely kept and preserved according to your power: You shall arrest all such persons as in your sight shall ride or goe armed offensively, or shall commit or make any Riot, Affray, or other breach of his Majesties Peace; you shall do your best endeavour (upon complaint to you made) to apprehend all Felons, Barretors, and Rioters, or persons riotously assembled: and if any such Offender shall make resistance (with force) you shall levy Hue and Cry, and shall pursue them untill they be taken; you shall do your best endeavour, that the Watch in and about your Town be duely kept, for the apprehending of Rogues, Vagabonds, Night-walkers, Evesdroppers, Scours, such as go armed, and the like; and that Hue and Cry be duely raised and pursued, according to the Statute of *Winchester*, against Murderers, Thieves, and other Felons: And that the Statutes made for the punishment of Rogues and Vagabonds, and such other idle persons comming within your bounds and limits, be duely put in execution; and you shall have a watchfull eye to such persons as shall maintain or keep any common house or place where

any

any unlawful Game is or ſhal be uſed, as alſo to ſuch as ſhal frequent or uſe ſuch places, or ſhall uſe or exerciſe any unlawfull Games here or elſewhere contrary to the Statutes. At your Aſſizes, Seſſions of the Peace, or Leet, you ſhall preſent all and every the offences done contrary to the Statute made to reſtrain the inordinate haunting and tipling in Innes, Ale-houſes, and other Victualling-houſes, for repreſſion of drunkenneſſe; you ſhall there likewiſe true preſentment make of all Bloud-ſheddings, Affrayes, Out-cries, Reſcous, and other offences committed or done againſt the Kings Majeſties Peace within your limits; You ſhall once every yeer, during your office, preſent at the Quarter Seſſions all Popiſh Recuſants within your Parish, and their Children above nine yeers old, and their Servants, their monethly abſence from Church. And you ſhall have a care of the maintenance, well and duely execute all Precepts and Warrants to you directed from the Juſtices of the Country, and you ſhall well and truely according to your knowledge power and ability, do and execute all other things belonging to the Office of a Conſtable, ſo long as you ſhall continue in this Office: So help you God. *Vide plus inde in* Fitzherbert, Lambert, Crompton, & Dalton.

Of Watching.

ANy that are ſuſpicious perſons or of evil fame, one Juſtice may cauſe Night-watches to be kept for the areſting, 13 *Edw. 1. Stat Winton ca. 4.* All Watches ſhall be kept yeerly from *Aſcenſion* day till *Michaelmas*, in every Pariſh and Town, from Sun-ſetting till Sun-riſing.

Any ſtranger or perſon that is ſuſpected, the Watch may ſtay and examine them; and if they find cauſe may ſtay them, and if they reſiſt may juſtifie the beating of them, and if they get away, may levy Hue and Cry after them, and that night put them in the Stocks, and then have them before a Juſtice.

Any Juſtice of Peace may cauſe ſuch perſons as ſleep

in

in the day, and walk in the night, to be apprehended; or ſuch as haunt any houſes ſuſpected for Bawdery, uſe any debauſt company, or commit any outrages or miſdemeanours, and to find ſureties for their good behaviour.

No Inhabitant ſhall be enforced to watch at the will of the Conſtable, but when his time by courſe ſhall come, neither ſhall a Conſtable or other Officer compell any ſtranger but thoſe that dwell in the Pariſhes or Towns.

Of Water-men.

THoſe Juſtices of Peace that live and reſide neer the River of *Thames* within the Shire where the ſaid River is within his Juriſdiction, are impowered upon complaint by the overſeers or Rulers of the Water-men and Wherry-men, or any two of them, or by their Maſters and Servants, to hear and determine all Offences committed againſt the Statute; and if he ſee juſt cauſe, may ſet them at large, and ſuch as the Overſeers and Rulers of the Watermen have impriſoned, and may alſo puniſh thoſe Rulers and Overſeers that have or ſhall have inflicted puniſhment upon any unjuſtly, 2 & 3 *Ph. & Ma. ca.* 16.

Theſe are the offences that the Statute ſpeaks of, No Water-man ſhall be a ſingle man, 1 *Jac. ca.* 16. There muſt be 8 of the Overſeers hands and ſeals to the writing of one of the two that ſhall row in a Boat; they ſhall not hide themſelves from preſſing for the Kings ſervice, neither ſhall they take more for their fare then is ſpecified and ſet down in their Hall. *Dalt.* puts it to a queſtion Whether Juſtices of the Peace can meddle with this.

Of Wax.

ANy Juſtice of Peace may puniſh ſuch as make Wax-Candles, or ſell any other impreſſions in Wax, taking above 4 *d.* in the pound clear gain; the forfeiture is the value of that which they ſell, and a fine to the King, 11 *Hen.* 6. *ca.* 12.

Of

Of Weeres.

ONe Juſtice of Peace may ſurvey any Weere upon the River, if it be too narrow, he may cauſe them to be made of a reaſonable wideneſſe: and any that ſhall make any Weere within five miles of the mouth of any Haven or Creek, or Weers that ſhall be deſtructive to any Frey or Fiſh of the Sea, forfeits 10 *l.* one half to the King, the other to him that ſhall ſue.

Of Weights and Meaſures.

TWo Juſtices, one of the *Quorum*, may hear and determine the defaults in Cities and Towns concerning their Officers in Weights and Meaſures twice yearly, and likewiſe the defaults of buyers and ſellers by other weights and meaſures then are allowed, 11 *Hen.* 7. *ca.* 4. 12 *Hen.* 7. *ca.* 5.

Two Juſtices, one of the *Quorum*, may break and burn ſuch Meaſures as are defective, and make Proceſſe againſt them as treſpaſſers, 12 *Hen.* 7. *ca.* 5. 11 *Hen.* 7. *ca.* 4.

Any Maior that ſhall take above a peny for ſealing a Buſhel, or for the ſealing of any weight likewiſe 1 *d.* and ſo for any according to that proportion for any other leſſer weight, ſhall forfeit 40 *s.* 11 *Hen.* 7 *ca.* 4.

Thoſe that ſhall buy or ſell by any unlawfull Weights or Meaſures, or not lawfully marked or ſigned, the firſt default is 6 *s.* 8 *d.* ſecond is 13 *s.* 4 *d.* and the third 20 *s.* and ſtand in the Pillory.

Any that ſhall buy any Corn with heaped meaſure, unleſſe on Shipboard, or uſe any double meaſure, buying by one and ſelling by another, firſt offence is 6 *s.* 8 *d.* ſecond offence 13 *s.* 4 *d.* third is 20 *s.* and the Pillory, 11 *Hen.* 7. *ca.* 4. And where the Kings Standard remains in that Town, not having common Weights & Meaſures ſigned, or denying to ſell by the ſame, are to be fined and amerced, 11 *Hen.* 7. *ca.* 4.

Of

Of Witchcraft.

WHere any shall practise or use any invocation, consultation, conjuration, or covenant to or with any evil or familiar spirit; or that take up any dead body, or any part thereof, to be used or practised in Witchcraft or Charms, or using any such sorcery whereby any person shall be killed, or any part of them wasted or lamed, it is felony in them and their Accessaries without Clergy, 1 *Jac. ca.* 11.

Where any shall by the use of Witchcraft and Charms tell of any thing that is lost, or finde out any hidden treasure, or do any such unlawfull act, to provoke love to any one, or shall trie to destroy the body of any person, the first offence is one yeers imprisonment without Bayl or Mainprise, and to stand in the Pillory quarterly by the space of six hours, and confesse his offence, and the second is felony without Clergy, 1 *Jac. ca.* 12.

Noblemen, for Witchcraft or other incantation, are to be tryed by their Peers, by the Statute 1 *Jac. ca.* 12. To any Attainder upon the said Statute, shall not be any losse of Dower, or corruption of bloud, *per idem Statutum.*

Of Wines.

IF any person shall bring any Wines in strange bottoms from *France* into any part of *England*, except to the Isle of *Man* and *Wales*, forfeits their Wines, 27 *Eliz. ca.* 11. And he that shall sell any Wines by retayl, that shall sell above the prices the Proclamation limits, every gallon so sold the forfeiture is 3 *s.* 4 *d.* 27 *Eliz. ca.* 11.

He that is the Son of any under the degree of a Baron, having under 100 Marks a yeer in Land, and 1000 in Goods, that shall keep in his house any *Gascoyn*, *French*, or *Rochel*, Wines to spend, above the quantity of 10 gallons, forfeis 10 *l.* 7 *Edw.* 6. *ca.* 5.

Of

Of Woad.

HE that shall bring any Woad from *France* into any part of *England*, in any strange Bottom, the forfeiture by the 27 *Eliz. ca.* 11. is the Woad so brought.

Of Wood.

WHere there is any disagreement of the Commoners and the Lord, and they make a complaint of the Lord, two Justices may set forth the fourth part of the Lords Woods appointed by the greatest part of the Justices at the Quarter Sessions, not being of Alliance or Kin, or in Fee to either party, nor of the Hundred, 35 *Hen.* 8. *ca* 17. The Justices may call before them at the Quarter Sessions the owner of the Wood, and 12 of the Commoners to set out the fourth part.

He that shall be an Ingrosser or Regrater of any bark, shall have his bark, 1 *Jac. ca.* 22.

None shall sell or fell any Oak fit for barking before *April* or after *June*, except for shipping or necessary building or repairing of houses or Mills, forfeits the Oaks of double the value, *ca.* 22.

Any Purveyor that shall take any Timber for the repairing of the Kings Ships or Houses, the owner shall keep the Lop, top, and Bark, the Purveyor taking them shall forfeit for each tree, to the Party grieved, 40 *s.* 1 *Jac. ca.* 22.

Of Wooll.

NOne shall buy any Wooll but of the Owner of the Sheep or he that hath the Pythe, otherwise he forfeits the Wooll, or the value thereof, 14 *Richs. ca.* 4. Likewise he that shall buy any Woollen-Yarn, and makes not Cloth of it, forfeits the value or wooll, 8 *Hen.* 6. *ca.* 5.

Any that shall card, spin, sort, weave or kembe; or that shall receive of any Clothier any Wooll or Yarn, to make

make into any Cloth or Stuffe, that shall sell, detain or embezle the same, if he that buyes it or receives it, having knowledge thereof, and being convicted thereof, by confession, or Oath of two witnesses, shall give such satisfaction as the Justices shall think fit; the offender being unable, or else refusing to do it, shall be whipped, or put in the Stocks, *7 Jac. ca. 7.*

Of women.

WHere any woman is arraigned and convicted for felony, for the first offence she shall have the benefit of her belly, *Lamb.* 563. But it is out of a Justice of Peace's power to award a *Venire facias*, to impanel a Jury of *tot Matronas* to search whether she be with Childe or no.

Where a woman is delivered of a Bastard Childe, that is born alive, and shall endeavour the private drowning, killing or making it away, or procures any other to do it, and conceals the death thereof, that it may not appear whether born alive or dead; it shall be murder in her, except she can by one testimony make it appear that it was not born alive, *21 Jac. ca. 27.*

That woman being convicted of the felonious stealing above the value of 12 *d.* and under 10 *s.* the Goods, Money, or Chattels being not taken from any ones person, nor being robbery nor burglary, nor taken in or neer any high way, nor accessary to any of these offences; where the man shall have his Clergy, the woman shall for the first offence be burned in the hand, or be further whipped or put in the Stocks, or be sent to the house of Correction, (but not for above a yeer) as the Justices, before whom she is convicted, shall in their judgements think fit, *21 Jac. ca. 6.*

FINIS.

Ex. J. M. 9/7/15